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ABSTRACT

School choice advocates made many advances in 1994, and many states seem ready to pass school choice legislation in 1995. This report describes the state of school choice efforts in the individual states. School choice advocates look for action by the Federal Government as Congress discusses ways to help states implement choice, whether by vouchers, block grants, or other approaches. In 1994 there were increased numbers of privately sponsored school choice programs funded by corporations, individuals, and charitable organizations. Analysis of the reports from individual states yields information about school choice. Of the 44 state legislatures that met in 1994, some sort of school choice legislation was introduced or pending in 25 states. Forty state governors have indicated their support for school choice, and at least 41 states have significant policy groups or grassroots coalitions working for school choice. Ten states have implemented charter school legislation, and many other states are deliberating about charter schools. Several thousand students attended the school of their choice under 1 of 16 privately sponsored voucher programs in 1994. Each state summary includes a statement about the position of the governor. A glossary of choice terms and a chart of comparative information are included. (SLD)

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SCHOOL CHOICE PROGRAMS

WHAT'S HAPPENING IN THE STATES

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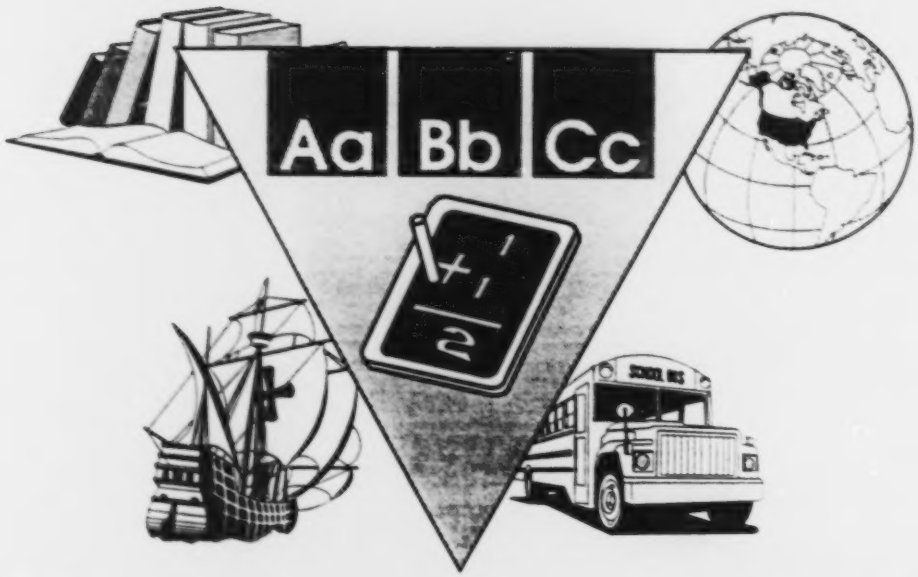

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SCHOOL CHOICE PROGRAMS

WHAT'S HAPPENING IN THE STATES

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INTRODUCTION

1994 was a banner year for school choice efforts. While no major private school choice program was enacted in 1994, many states are poised to pass school choice or charter school legislation in 1995. Throughout the United States, pro-school choice candidates of both parties won public office in last November's election. For example, Lisa Graham, the legislator who played a prominent role in this year's fight for choice in Arizona, ran for State Superintendent of Schools and won with 59 percent of the vote. Similarly, Frank Brogan of Florida, Anne Fox of Idaho, Linda Shrenko of Georgia, and Delaine Easton of California all won their state's top education post as school choice advocates.

These results were echoed in state house races. Gubernatorial candidates supporting school choice, including Tom Ridge of Pennsylvania, John Rowland of Connecticut, George W. Bush of Texas, and David Beasley of South Carolina, swept into office. And the governors who have actively fought for choice in their states handily won reelection, including Wisconsin's Tommy Thompson, Arizona's Fife Symington, Michigan's John Engler, and Illinois' Jim Edgar. Many new state legislators, state board of education members, and local school board members who supported choice were elected in almost every state. Moreover, prominent Democrats who support school choice, such as Ron Townsend of South Carolina and Annette "Polly" Williams of Wisconsin, have taken over the chairs of the Education Committees in their state legislatures — even though their respective legislative chambers are controlled by Republicans.

New opportunities present themselves in 1995 for school choice reformers in various states to solidify the gains they made in 1994. For example, in 1994 the Arizona state legislature came within three votes of passing a statewide school choice program and the Connecticut House deadlocked on the issue 71 to 71. The gains made in these state legislatures in November may well push choice over the top in 1995.

School choice advocates also can look for some kind of action by the United States Congress in 1995. Members in both chambers of Congress are discussing various ways the federal government can help states implement choice, including:

- **"Voucherizing"** the $12.7 billion Chapter One program, the largest federal program of aid to poor elementary and secondary school children.

- **Revisiting** *Goals 2000* and, if they choose to keep the program, either adding a choice plan as one of the "activities" that can receive federal funds or simply giving the Goals 2000 money to the states in the form of block grants that can be used for choice demonstration projects.

- **Adding** a school choice component to the new federal welfare legislation.

The growing number of privately sponsored school choice programs funded by corporations, individuals, and charitable organizations was one of the more important developments in 1994. The oldest such program, the Student-Sponsor Partnership, started by Peter Flanigan, has been awarding full scholarships to poor children to attend private schools since 1986. Golden Rule Insurance Com-

pany CEO J. Patrick Rooney in 1991 created the Choice Charitable Trust to provide half tuition scholarships for poor Indianapolis children in grades Kindergarten through 8 to use at the school of their parents' choice. The Golden Rule Program spawned additional programs in fifteen cities, including Atlanta, Milwaukee, San Antonio, and Little Rock. In 1994, over 6,000 children were able the attend the private school of their choice because of the generosity of businesses and individuals. Nearly 12,000 children are on waiting lists for these programs.

The number of these business-sponsored programs will likely increase again in 1995, thanks to new funding. The Texas Public Policy Foundation, which runs the private voucher program in San Antonio, received an anonymous $2 million challenge grant to be used for matching purposes with locally raised startup dollars in cities where either a small program existed or there was strong interest. Upon hearing of the challenge grant, the Texas Public Policy Foundation decided to form a new entity to help establish similar programs nationwide. The new organization, the Children's Educational Opportunity Foundation America (CEO America), was formed in May to expand and replicate private voucher programs throughout the country. Besides giving poor children an alternative to unsuccessful local public schools, these programs can serve as working models for private school choice as a practical, affordable alternative.

School choice advocates once again are playing offense, forcing the education establishment to fight on many fronts. Consider the number of school choice programs and legislative developments in the states during 1994:

- ✓ Of the 44 state legislatures that met in 1994, some sort of school choice legislation was introduced or pending in 25 states.
- ✓ Some 40 state governors have indicated support for some sort of school choice, up from 33 in 1993.
- ✓ At least 41 states have significant policy groups or grassroots coalitions working for school choice.
- ✓ Ten states have implemented charter school legislation, and many additional states will consider charter school legislation in 1995.
- ✓ Several thousand low-income students were able to attend the school of their choice in 1994 under one of sixteen privately sponsored voucher programs based on the Golden Rule model, up from fifteen private programs in 1993, six in 1992, and two in 1991. Similar efforts are in the planning stages in at least six other cities. In addition, there are at least twelve alternative programs around the country, many based on the Student-Sponsor Partnership model, that offer tuition aid for nongovernmental schools.

Clearly, the status quo is in trouble.

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A SCHOOL CHOICE GLOSSARY OF TERMS

Charter School: A "public" school created and operated by a group of teachers, or other qualified individuals that is largely free from state and district oversight. Differs from a magnet school in its method of creation and its autonomy.

Controlled Choice: Choice that is limited by court-ordered desegregation guidelines. Example: The Boston must observe strict racial guidelines for placement of students in city schools. Thus, parents are limited to choices that do not upset the racial balance of a particular school.

Full Choice: Includes private as well as public schools, but not necessarily religious schools.

Interdistrict Choice: Students are permitted to cross district lines to attend schools. Some states, such as Colorado, allow interdistrict choice only among a limited number of districts.

Intradistrict Choice: Open enrollment among the schools in one particular district. Also called transfers.

Magnet Schools: Public schools offering specialized programs to attract students. This may be done as a voluntary method of achieving racial balance when districts are under court order to desegregate. Magnet schools offer students an option or substitute for their location-based school assignment.

Mandatory Statewide Choice: See Open Enrollment.

Open Enrollment: Parents have the right to decide which public school their children will attend anywhere in the state, rather than having children assigned to a school based on location. With voluntary open enrollment, the district is not required to offer choice among its schools, but it may allow parents to choose a school. With mandatory open enrollment, the district must allow parents this option.

Post-secondary Enrollment Options: High school students (usually juniors or seniors) are permitted to enroll in courses at state universities or community colleges at government expense and to receive high school and college credits for those courses. The money allocated for the child's education is used to pay for the courses selected, thus forcing high schools to compete with colleges for students.

Private Voucher Programs: Programs supported by individuals, businesses, and other groups that give vouchers to low-income children to attend the private school of their choice. The programs differ as to what types of support they give to families and what types of schools are eligible.

Public School Choice: Choice only among public schools.

Site-Based Management: The responsibility for making decisions affecting the personnel and educational policies of a school is taken from a central administration or school board and shifted to "committees" made up of teachers and the principal (and perhaps parents) of that school.

Tax Credits: A funding method for educational choice in which parents receive a credit against income or property taxes for money they spend on school tuition, books, or other expenses associated with sending their child to a private school. Tax credits have been ruled constitutional by the United States Supreme Court.

Voluntary Choice: See Open Enrollment.

Vouchers: Certificates having a designated dollar value which may be "spent" at the public or private educational institution of the parents' choice. In essence, they are used in much the same way that food stamps are used to buy food, or housing vouchers to offset rent.

Choice Plans: A State-By-State Comparison

	Charter Schools Legislation		Available to Private Schools		Public School Open Enrollment		Choice Legislation Pending or Introduced in 1994
	Passed	Pending or Introduced	"Scholarship"	Tax Credit	Within Districts	Between Districts	
Alabama					✔[2]		
Alaska		✔					
Arizona	✔	✔				✔	✔
Arkansas						✔	
California	✔					✔	✔
Colorado	✔				✔	✔	✔
Connecticut							✔
Delaware							✔
District of Columbia							
Florida		✔					✔
Georgia	✔						✔
Hawaii	✔	✔					
Idaho					✔	✔	
Illinois		✔					✔
Indiana					✔[1]		✔
Iowa				✔		✔	
Kansas	✔	✔					✔
Kentucky							✔
Louisiana							
Maine							
Maryland							
Massachusetts	✔				✔[1]	✔	
Michigan	✔	✔					
Minnesota	✔	✔		✔		✔	
Mississippi							✔
Missouri							✔

1 Indicates special, district-based arrangement.
2 Voluntary open enrollment plan.
3 Plan ruled unconstitutional by Puerto Rico's Supreme Court. Plan will end after 1994-1995 school year.

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Choice Plans: A State-By-State Comparison

	Charter Schools Legislation		Available to Private Schools		Public School Open Enrollment		Choice Legislation Pending or Introduced in 1994 or 1995
	Passed	Pending or Introduced	"Scholarship"	Tax Credit	Within Districts	Between Districts	
Montana							
Nebraska					✔[2]	✔	
Nevada							
New Hampshire		✔					
New Jersey		✔			✔[1]		✔
New Mexico	✔						
New York					✔[1]		✔
North Carolina							✔
North Dakota					✔	✔	
Ohio					✔	✔	✔
Oklahoma							✔
Oregon		✔					
Pennsylvania							
Puerto Rico			✔[3]	✔	✔	✔	
Rhode Island							✔
South Carolina					✔[1]		
South Dakota		✔					✔
Tennessee					✔[2]	✔[2]	✔
Texas							
Utah					✔	✔	
Vermont			✔[1]				
Virginia							✔
Washington					✔	✔	✔
West Virginia							✔
Wisconsin	✔		✔[1]				✔
Wyoming							

1 Indicates special, district-based arrangement.
2 Voluntary open enrollment plan.
3 Plan ruled unconstitutional by Puerto Rico's Supreme Court. Plan will end after 1994-1995 school year.

CHOICE IN THE STATES

ALABAMA

Current Situation

A 1991 law allows Alabama school districts to offer students a choice of public schools within their school district. Participation by a school district is strictly voluntary, and individual schools within participating districts must agree to accept a child transferring from another school. A school's decision to accept transfers can be influenced by space limitations or court-ordered racial balance requirements. Because the legislature has not yet voted to fund this legislation, this 1991 law has not been implemented. The law also established school-based decision making and alternative teacher certification. Representative Al Knight, a Republican, introduced a pilot voucher bill in 1991 and again in 1992 permitting districts to pursue choice. The legislation did not pass, and Knight has not reintroduced it.

Developments in 1994

Two major education reform bills, one sponsored by ex-Governor Jim Folsom and the other sponsored by Score 100, a group of business leaders and community activists, were considered by the Alabama State Legislature in its 1994 session. Neither bill contained a school choice provision. Folsom's Outcome-Based Education proposal was defeated in the legislature.

Stephanie Bell and David Byres, both strong advocates of school choice, won positions in 1994 on the state board of education. In addition, a group of business leaders in Huntsville is considering starting a private voucher program.

Position of Governor

Fob James, a Republican, has indicated he is open to public school choice. He has no stated position on private school choice.

ALASKA

Current Situation

Several state board of education officials strongly back educational choice. At their urging, Governor Wally Hickel in 1991 appointed a special commission to examine the school choice issue. The commission's report, released in 1992, fell short of advocating full choice, but its authors favor experimenting with charter schools, magnet schools, and other types of choice within the public system.

Developments in 1994

In 1993, Governor Hickel presented Alaska 2000 (SB 61) to the legislature. The bill included charter school legislation. The companion House Bill (HB) 84 was

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stripped of its charter school provision by the House Health, Education, and Social Services Committee. The bill died in 1994.

Some private schools have received funds for pupil transportation from their respective public school districts. But the Alaska Department of Education recently refused the Kenai Peninsular Borough a transportation route extension to serve a non-public school. The Department cited two early court cases that stated that public money cannot be spent to benefit private or religious schools or schools under sectarian control. In response, Republican Representative Al Vezey introduced an amendment to the Alaska Constitution to allow such transfers. The Amendment (HJR 45) died in the House Judiciary Committee.

Position of Governor

Newly elected Governor Tony Knowles, a Democrat, has no stated position on school choice.

ARIZONA

Current Situation

Arizona has no school choice program, although some public school districts reportedly are accommodating student requests for transfers to different schools. Arizona law also permits special education students and students who have been designated as "unable to profit from public schools" to receive state funding to attend private schools. Currently, some 2,000 Arizona school children are educated in these private schools. These children have various physical or emotional handicaps, and public school officials are anxious to send them to private schools.

Developments in 1994

Republicans in the state legislature generally have been supportive of school choice and have had majorities in both Arizona since the November 1992 elections. The Education Reform Bill, sponsored by the Senate Majority Leader, Republican Tom Patterson, and Republican Representative Lisa Graham, was endorsed by Republican Governor Fife Symington. The private school choice program would have given education vouchers worth up to $1,500 to a limited number of low-income families currently not sending their children to private schools. The vouchers could have been used at any public, private or parochial school accredited by the North Central Association. The vouchers would have been available to 2,000 children from low-income families during the 1994-1995 and 1995-1996 school years, expanding to 4,000 children during the 1996-1997 and 1997-1998 school years and to 8,000 children during 1998-1999 and thereafter. Children with disabilities who were accepted into the program would have been awarded larger grants.

Graham and Patterson worked with the Arizona Business Leadership for Education (ABLE), a group of prominent business leaders involved in education reform, and the Arizona Chamber of Commerce. However, after being unable to gain the one last vote needed to pass Graham's proposal in the House, supporters of the

plan turned to an alternative reform package offered by House Education Committee Chairwoman Bev Hermon, also a Republican. While Hermon's plan included vouchers, any vouchers disbursed would have had to be approved by the local school boards. The Hermon plan passed the House by a simple majority but was defeated in the Senate by three votes.

The Arizona Legislature did, however, pass charter school and open enrollment legislation during a special session in June 1994. The bill, which did not contain language specifically allowing for vouchers, was signed into law by Governor Symington. A comprehensive educational choice proposal may well be considered in 1995. Meanwhile, Representative Lisa Graham won her bid to become the state's next Superintendent of Public Instruction and Governor Symington, also a strong supporter of school choice, was re-elected. Graham received 59 percent of the vote.

A poll conducted by Arizona Opinion and Political Research for the Goldwater Institute in May 1994 indicated that 76 percent of Arizona's voters support some form of voucher for private schools. There was 82 percent support among Republicans and 70 percent support among Democrats. Women were slightly more supportive of (77 percent) than men (75 percent).

In 1993, a privately funded scholarship program, the Arizona School Choice Trust, was launched. Based on the Golden Rule model in Indianapolis, Indiana, the group provides scholarships worth one-half of a chosen private school's tuition, up to $800 per year. During the 1994-1995 school year, the program is helping sixty students attend private schools.

Position of Governor

Fife Symington, a Republican, favors giving parents and children a full range of choices among both public and private schools. Governor Symington, who supported the reform legislation sponsored by Representative Lisa Graham, vows to sign private school choice legislation and campaigned on the school choice issue in his successful 1994 re-election bid.

ARKANSAS

Current Situation

The Arkansas legislature in 1989 enacted a voluntary interdistrict open enrollment law, permitting parents to enroll their children in the public school of their choice outside their school district. The law became operational in the 1990-1991 school year. The Arkansas law also includes a parental outreach program to help parents make decisions about where to send their children. Since the program is voluntary for school officials, a district can participate or opt out if, among other reasons, space is not available in district schools. School districts generally accommodate transfer students, however, because state education funding follows students to their new district. Under the law, students are barred from athletic competition for a period of one year after they transfer.

Some 163 out of 319 Arkansas school districts participated in the program in the 1992-1993 school year, the latest year for which totals are available. A total of 1,041 students take advantage of this opportunity. Although transportation technically is the responsibility of the transferring student, state aid covers a child's transfer costs.

The Free to Choose Trust, founded in 1992 by Little Rock businessman Blant Hurt, awards half-tuition scholarships up to a maximum of $1,000 to low-income students to attend the district school of their choice. Modeled after the private voucher program sponsored by J. Patrick Rooney of the Golden Rule Insurance Company in Indianapolis, the Little Rock program provided scholarship aid to seventeen students in the 1994-1995 school year.

Developments in 1994

Oscar Stilley, a Fort Smith lawyer, attempted to collect enough signatures to get a school choice referendum on the 1994 ballot. The referendum would have included both public and private schools. However, the effort failed to collect enough signatures. The initiative is being rewritten for the 1996 ballot.

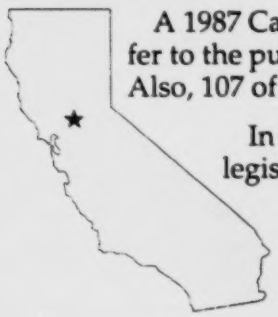
Governor Jim Guy Tucker made overtures in the direction of Education Alternatives, Inc., a private management firm, to run some schools in the Little Rock school district. Tucker sent a fact-finding mission to Baltimore to see the schools the company runs there but ended up caving in to pressure from teacher unions and other education groups not to follow through with the idea.

Position of Governor

Jim Guy Tucker, a Democrat, supports statewide public school choice and charter schools but opposes private school choice.

CALIFORNIA

Current Situation



A 1987 California law allows children in grades K through twelve to transfer to the public school closest to their parents' work or child care facility. Also, 107 of the 700 public schools in Los Angeles now are magnet schools.

In September 1992, Governor Pete Wilson, a Republican signed legislation providing for the creation of up to 100 charter schools. Charter schools are public schools created and run by teachers and staff and are largely free from state and district oversight. The California Charter School Legislation, sponsored by Democrats Gary Hart in the Senate and Delaine Eastin in the Assembly, does not allow private schools to apply for charter status. To date, 48 schools have received charters, and one school's charter is pending.

Since 1988, the Archdiocese of Los Angeles Education Foundation has awarded scholarships to children of low-income families to attend Catholic schools. During the 1993-1994 school year, 3,500 students took advantage of the program.

School choice was a major political issue in California in 1993. Proposition 174, a sweeping initiative that would have amended the California Constitution to provide $2,600 vouchers to families to enroll school-age children in public, private, or religiously affiliated schools, attracted only thirty percent of the vote. The California Teachers Association, the most formidable opponent of the measure, contributed at least $10 million of the approximately $16 million spent on the campaign against the school choice amendment. Supporters raised $2.7 million.

Developments in 1994

A new California law providing for statewide open enrollment became effective on July 1, 1994. Under the new interdistrict choice law, all public school districts must establish procedures to accommodate parents who wish to enroll their children in the district's schools. The only restrictions are that out-of-district students cannot displace students who live in the school's attendance area, seats must be available for transfer students in the receiving school, and ethnic balance must be maintained. In districts where more children apply than there are spaces, the district must hold a lottery or some other form of unbiased selection to decide which children will be admitted. School districts are not allowed to select on the basis of academic, athletic, or other abilities. Another state law passed at the same time allows students to transfer between districts, provided that both districts agree. That law takes effect in 1995.

In 1994, Assemblyman Dean Andal, a Republican, authored legislation to provide a means-tested voucher in the state's twenty least academically productive school districts. In addition, Stanford Professor Terry Moe and Jack Coons of Berkeley continued their work drafting a new choice proposal and mobilizing school choice constituencies and supporters. An effort to collect signatures for another voucher initiative also was launched.

A new choice organization was formed in 1994. Bay C.A.R.E. (Californians Advocating Reform in Education), chaired by Rabbi Pinchas Lipner, hopes to harness the state's diverse coalition of choice supporters. Bay C.A.R.E. has sponsored a symposium on school choice and hopes to build a vast choice network. It also has developed draft legislation, the Education of Children Amendment. Modeled after Jersey City, New Jersey, Mayor Bret Schundler's plan and reviewed by Nobel economics laureate Milton Friedman, the amendment proposes dual "tax rebate scholarships."

The California Senate and Assembly voted on four measures designed to improve the 1992 charter school legislation. Senator John Lewis, a Republican, introduced a bill lifting the limit of 100 charter schools and granting one charter school to every district in the state. He also introduced legislation designed to make it easier for school superintendents to contract out for support services. Both bills died in the Senate Education Committee.

On the legal front, the Institute for Justice, a non-profit public interest legal group, has filed a suit on behalf of 39 inner-city Los Angeles children and their parents. Parents in the suit, filed against the California State School Superintendent and the state board of education, argue that the Los Angeles public school system has failed to give their children the quality of education mandated by the California constitution. The suit asks that California give the disadvantaged parents direct control over their children's share of state education funds (approxi-

mately $2,500 per student) to pay tuition at the school of their choice. The trial court dismissed the lawsuit, but the Institute for Justice is appealing.

Position of Governor

Governor Pete Wilson, a Republican, signed the charter school bill into law and favors allowing parents and children to choose among public schools. He did not endorse Proposition 174 and has yet to endorse a plan that includes private schools. Wilson was re-elected in 1994.

COLORADO

Current Situation

Public school choice within school districts was established in Colorado during the 1991-1992 school year. In 1990, Colorado also enacted a six-year pilot program, which took effect in June 1991, that allows parents to choose a public school outside their own district. This provision is being phased in at the rate of three school districts per year. District officials must apply to the Colorado Department of Education to participate in the program. At the conclusion of the six-year program in 1997, the legislature will make a final decision on whether to institute public school choice statewide, with all students eligible to attend any public school in the state.

In November 1992, a ballot initiative entitled "Choice School Reform," which would have given parents a voucher worth 50 percent of the existing per-pupil expenditure to send their children to public, private, or parochial, school failed at the polls by a margin of 62 percent to 37 percent.

Like Florida, Iowa, Minnesota, and Ohio, Colorado also offers "post-secondary enrollment options" to high school juniors and seniors wishing to take college courses at state expense while in high school.

In 1993 the Colorado legislature passed sweeping charter school legislation giving up to fifty schools the ability to apply for charters from their local districts. If denied, they can appeal to the state board of education. At least thirteen of the new schools must be targeted to "at risk" students" — students identified as having academic or behavioral problems. Thus far, twenty charter schools are operating.

Denver's Educational Options for Children program provides tuition scholarships of up to $1,250 for 78 low-income students.

Developments in 1994

A proposal for full inter-district public school choice passed in 1994.

The state's charter school law survived a legal challenge. A group of Hispanic parents in Pueblo challenged the law, claiming that a local school board's decision to close two public schools while approving a charter school was biased against Hispanic students. In addition, the parents challenged the constitutionality of the charter school law. U.S. District Judge Sherman G. Finesilver rejected these argu-

ments, finding that there was no connection between the school board's decision to close the two schools and granting the charter. In addition, Judge Finesilver upheld the constitutionality of the charter law: "[The state] has a legitimate government interest in encouraging innovation in education. The Charter Schools Act is rationally related to such an interest."

A state-wide "Parental Choice in Education" ballot proposal filed by Steve Durham, a former Republican Senator from Colorado Springs, failed to gain enough signatures to qualify for the 1994 ballot. The initiative would have given full scholarships to low-income families, half scholarships to middle-income families, and 20 percent scholarships to upper-income families. It is possible a tax credit initiative might appear on the 1995 ballot.

Republican Representative Penn Pfiffner introduced legislation (HB 94-1138) that would have allowed families to deduct their children's private school expenses from state income taxes. Under the proposal, families could deduct up to $10,000 for books, lab fees, home-schooling expenses, and tuition for private schools and out-of-district public schools. The bill was referred to the House Finance Committee where it received a favorable public hearing on February 9, 1994, but died in the Appropriations Committee. Representative Pfiffner plans to reintroduce the bill in 1995.

A few school districts have begun negotiations with the for-profit Edison Project to take over the management of some of their schools. However, nothing has been finalized.

Position of Governor

Roy Romer, a Democrat, adamantly opposes allowing parents to choose private schools under a voucher or tuition tax credit system. Romer, however, supports public school choice and signed the charter school bill into law.

CONNECTICUT

Current Situation

School districts in Connecticut offer transportation to private school students and are reimbursed by the state.

Developments in 1994

The legislature, in a joint session of the House and Senate Education Committees, held hearings on March 3, 1994, to examine proposed legislation for school choice, charter schools, and alternative certification for teachers. Engineered by Republican Representatives Tim Barth and Paul Knierim and championed by the Democratic Majority Leaders, including House Majority Leader Thomas Luby, the proposed legislation was drafted and introduced as an amendment to another bill. The bill then bypassed the education committees and went directly to the floor for a vote. Both Republican and Democratic leaders, including Democratic Representatives Eddie Garcia and Andrea Jackson-Brooks, supported allowing all school districts to petition their school boards for district-wide choice, including private schools. Under this plan, if a local school board voted choice down, the is-

sue would have gone to the public as a referendum. On May 1, the House deadlocked on the issue 71 to 71. The Senate did not even consider the issue. The legislation was supported by 24 Democratic Representatives, most representing poor inner-city districts. All five Democratic Representatives from Waterbury, a majority from Bridgeport, and several from Hartford came out in favor of school choice. Connecticut legislators, including Luby, Barth, and Knierim, promise to reintroduce choice legislation in 1995. The political conditions for choice will be friendlier as school choice advocate John Rowland , a Republican, won the race for governor and several new choice proponents won seats in the legislature.

Meanwhile, representatives from the Greater Bridgeport Regional Planning Agency, an advisory panel of businessmen working on a plan to bring greater diversity to the region's schools, are considering presenting inter-district open enrollment as a primary means of achieving greater "diversity." The Forum is charged with drafting a report that eventually will be voted on by legislative bodies and school boards in each of the communities in the greater Bridgeport area, according to the state-mandated process.

Spurred by a sharp increase in student enrollment, some Fairfield residents in 1994 continued their fight for a school choice voucher plan as a way to cut costs. The proposal would allow parents in Fairfield, a residential community an hour north of New York City, to use their public school dollars to send their children to private or parochial schools. Since public schools in Fairfield are already full, the town would have to build new classroom space to house the approximately 1,500 additional children expected to enroll in its schools over the next five years.

The Coalition to Empower Fairfield, formed by parents and other grass-roots school choice proponents, argues that the town could save tax money by issuing vouchers and allowing parents to decide where to send their children to school. Fairfield's private and parochial schools have hundreds of spaces for new students, according to the coalition's leaders. The Coalition, which has over 3,000 supporters, probably will propose that parents be given vouchers worth $4,000, approximately half of public school spending per pupil.

On the legal front, a battle over racial balance in Connecticut schools continued to spur interest in school choice in 1994. Plaintiffs in a Hartford school desegregation lawsuit argued that racial, ethnic, and economic segregation between urban Hartford and the surrounding suburban schools violated their right to an equal education. Concern about racial desegregation in Connecticut is raising interest among minorities in public school choice and magnet schools.

In September, the Hartford Board of Education voted to contract with Education Alternatives, Inc., the for-profit company that runs schools in Baltimore and Miami, for operation of its public schools. The Hartford decision marks the first time Education Alternatives, Inc. has been given control over a whole school district.

Position of Governor

Governor John Rowland, a Republican, strongly supported both public and private school choice, as well as charter schools, in his campaign. He has vowed to fight for educational choice.

DELAWARE

Current Situation

Delaware offers parents and children few educational choices.

Developments in 1994

The city of Wilmington remains under a school desegregation order, including forced busing. A new District Court judge, Sue Robinson, has taken over the case. This offers some hope that, either by agreement of the parties or via litigation, local control will be re-established in the coming year. Court hearings began in December 1994. Vocational Technical Districts throughout the state are exempt from the order and operate on a nearly pure school choice basis. This has produced waiting lists for space as well as competitive scores on standardized tests when measured against traditional high schools. William C. Manning, President of Wilmington's Red Clay School District, continues to promote intra-district choice programs in the face of entrenched bureaucratic opposition.

Republican Senator Richard Hague again introduced his statewide open enrollment bill. No action is likely unless and until the desegregation order is lifted.

Position of Governor

Thomas G. Carper, a Democrat, supports public school choice only and has not yet taken a position on charter schools. He opposes any voucher plan for private schools.

DISTRICT OF COLUMBIA

Current Situation

The District of Columbia has a few magnet schools, but it does not provide system-wide school choice.

Developments in 1994

Throughout 1993, D.C. school superintendent Franklin L. Smith expressed interest in turning over some troubled public schools to private managers. In early 1994, however, he Smith decided to delay private management of the public schools. There was strong opposition to the idea within the D.C. school and government bureaucracy and among other groups traditionally hostile to parental choice.

With the strong support of the business community and a plurality of school board members, Smith still hopes to place 10 to 15 of D.C.'s 165 schools in the hands of a private management company. He believes that a private company can cut through bureaucratic red tape and run the schools more effectively. In addition, Smith hopes to create 50 BESST (Bringing Educational Services to Students) "enterprise" schools, each of which would be empowered to manage its own budget, determine its own academic program, decide how to spend its money, and contract for private services. Under Smith's proposal, schools would be able

to contract directly with central administration or an outside consultant for educational services, such as development of an innovative science or math program.

In addition, the National Scholarship Center, a private voucher program funded by area businesses that also serves as a national clearinghouse for information on private voucher programs, began awarding scholarships to low-income D.C. students who want to attend private schools. The program is called the Washington Scholarship Fund. To participate, a child's family must be eligible for the federal student lunch program and must agree to match the scholarship award by paying half of the child's private school tuition.

Position of Mayor

Mayor Marion Barry, a Democrat, supported Superintendent Smith's proposal.

FLORIDA

Current Situation

Florida has several innovative school programs, some using the private sector, but little in the way of parental choice. Miami school officials, for example, in 1991 contracted with a private firm, Education Alternatives, Inc., to set up and run the newly established South Pointe Elementary School. The firm was granted waivers from major state regulations, including those governing hiring and budgetary matters.

Miami and Dade County officials were the first in the country to offer district-wide school-based management. And Florida allows high school seniors to complete their courses at local public colleges, a form of choice known as a "postsecondary enrollment option."

Developments in 1994

During 1994, the Florida legislature considered numerous school choice bills. None passed.

Republican State Representative Carlos Valdes sponsored the G.I. Bill for Florida Students (HJR 39). The bill would have amended the state constitution to allow the use of state funds at accredited Florida schools, including private schools, selected by parents of K through 12 students.

State Representative Tom Feeney and State Senator John Grant, both Republicans, introduced the Parental Choice in Education Act (HB 583/SB 1302). The bill would have given parents educational certificates to send their children to the public or private school of their choice. It also would have established Public Schools of Excellence.

Representative Valdes also introduced HB 1747, which would have established a pilot scholarship program in Dade County for public or private school students who qualify for a dropout prevention program.

Republican Senator Fred Dudley and Democratic Representative Keith Arnold sponsored legislation (SB 472/HB 1341) that would have allowed district school

boards to loan nonreligious instructional material to eligible students in both nonpublic and public schools. The legislation failed to pass.

The District Educational Choice Act (HB 2073/SB2854). sponsored by Democratic Representative Allen Boyd and Republican Senator Robert Harden, would have started three-year pilot scholarship programs in the counties of Dade, Lee, Orange, and Levy for up to 300 students in grades four through nine who qualify for the Dropout Prevention Program. Students selected to participate would have been eligible to attend the public or nonpublic school of their parents' or guardians' choice. The legislation failed.

Finally, numerous intradistrict choice bills were introduced (HB 193/SB 1470, SB 2014, SB 3164) in the past year. All would have allowed a pupil to enroll in any public school in the district in which the pupil resides. None of the proposals passed.

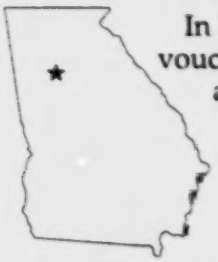
Although Republican gubernatorial candidate Jeb Bush, a strong school choice proponent, lost narrowly to Democrat incumbent Lawton Chiles, many school choice proponents won in the state's House of Representatives. In addition, Frank Brogan, an advocate of comprehensive school choice, won his race for State Commissioner of Education.

Position of Governor

Governor Lawton Chiles, a Democrat, has shown interest in the charter school concept. However, he has shown no interest in pursuing an open enrollment plan and opposes private school choice.

GEORGIA

Current Situation



In 1992, the Georgia Public Policy Foundation established a private voucher program for low-income students in Atlanta. The foundation is a research organization focusing on state issues and strongly supports educational reform, including school choice. The voucher program gives low-income parents up to $3,000 to pay for half of their child's tuition at any private school. The scholarships are distributed through the Children's Educational Foundation, established to administer the new program. Currently, 156 Georgia students are attending schools of their parents' choice through this program.

In early 1993, Governor Zell Miller signed a charter schools bill. The legislation provides for an unspecified number of charter schools operating under renewable three-year contracts with both their local school systems and the state board of education. The state board of education is responsible for determining the number of schools eligible for charter status, and only existing public schools may apply. The schools will be free of state rules and regulations. The legislation went into effect in 1993. To date, no charters have been granted, although applications are starting to be received.

Georgia activist Glenn Delk last year rediscovered a 1961 law, originally designed to help white families avoid desegregation, that now is being used by mi-

nority parents and children in their quest for school choice. The 1961 law provided educational grants for students to attend the public or private school of their choice. State officials have deemed the law "unusable," but strong public interest encouraged Democrat Lt. Governor Pierre Howard to call for special public hearings before the Senate Education Committee.

Developments in 1994

On February 4, 1994, Republican Senator Roy Allen introduced The Parental Freedom Act, which would have amended the 1961 school choice law. Senator Allen's proposed amendments would bring genuine choice in education to the state by making education grants, worth one-half the public school per-pupil cost, available to Georgia families to use at the private school of their choice. Applications for the grants would be made to the local board of education. During the first year of the new program, the local board would be required to approve at least 20 percent of the applications. That minimum percentage would increase annually over five years until it reached 100 percent. With preferences given to siblings of grant recipients and to returning grant recipients, all other grants would be awarded by lottery. The bill died in committee.

Activist Glenn Delk has filed suit on behalf of three Atlanta families to secure education vouchers from the state in accordance with the 1961 law. No outcome is expected until the spring of 1995.

Republican Representative Kathy Ashe is considering sponsoring a bill to liberalize the state's charter school law. Currently, only the local school board can sponsor a charter. Representative Ashe would like to expand the number of possible sponsors. In addition, she would like to lengthen the term of the charter from three to five years.

Position of Governor

Zell Miller, a Democrat, favors public school choice within school districts and recently signed charter school legislation. As a state legislator, he voted for the 1961 school choice law. Currently, however, Miller does not favor private school choice.

HAWAII

Current Situation

Hawaii recently passed a charter school law.

Developments in 1994

In 1994, Hawaii passed a law allowing for up to twenty-five charter schools. Only entire existing schools are eligible to apply for charters, which last for a term of four years. Overall, the law does not grant as much autonomy as many other existing charter laws. However, there has been talk of amending the new law to give charter schools more autonomy.

Position of Governor

Newly elected Governor Benjamin Cayetano, a Democrat, has no stated position on school choice.

IDAHO

Current Situation

Idaho enacted a statewide, voluntary, interdistrict open-enrollment plan in 1990. Under this law, state funds follow the child to a chosen school. The program's impact has been small since Idaho did not allocate funds for transportation, parent outreach, or information centers. Currently, 2,800 students participate.

In 1993 the legislature expanded the 1990 open-enrollment law to include intradistrict transfers, giving students a choice of public schools in their own districts.

Developments in 1994

There were no legislative developments in 1994. However, the November elections brought some good news for school choice supporters. Republican Anne Fox, a supporter of comprehensive school choice, easily won her race for State Superintendent of Education.

With the election of Fox, Idaho could become fertile ground for school choice measures in 1995. She will focus first on creating "schools within schools" and post-secondary enrollment options. In addition, Republican Representative Fred Tilman probably will introduce a charter school bill.

Position of Governor

Newly elected Governor Phil Batt, a Republican, has expressed some interest in limited school choice.

ILLINOIS

Current Situation

The debate over school choice in Illinois has intensified in recent years. A 1988 state law led to decentralization of the Chicago public schools and authorized citywide choice of public schools, starting with the 1991-1992 school year. These provisions, however, were delayed indefinitely.

Chicago has three different programs that provide scholarship assistance to needy students. The Daniel Murphy Scholarship Foundation gives scholarships averaging about $7,000 to low-income students based on a competitive application process. During the 1994-1995 school year, 120 students are receiving scholarships. The Big Shoulders Fund gives low-income students a total of $300,000 a year in scholarships to Catholic schools. Since 1966, Link Unlimited also has awarded financial aid to low-income students for Catho-

lic school education. During the 1994-1995 school year, the program is enabling 200 low-income high school students to attend Catholic schools.

The Illinois Scholarship Schools Act, a TEACH America-designed comprehensive voucher plan, was introduced in the 1993 session of the General Assembly as a citywide voucher plan for Chicago. TEACH America is a business organization pushing for education reform and school choice.

The Scholarship Schools Act offered $1,500 elementary school and $3,000 high school vouchers to students switching to private or parochial schools and to students already enrolled in such schools. Revenue neutral, with all resources generated internally from existing state funds, the plan provided for vouchers by random selection, initially to children from low-income families and then to all other children. In March 1993, Democratic State Representatives William J. Laurino and Ralph Capparelli introduced the Illinois Scholarship Schools Act (House Bill 1732), which cleared the Executive Committee but was not called for a floor vote.

At the same time, Republican State Senators Dan Cronin and Walter W. Dudycz introduced the twin of the Scholarship Schools Act as SB 812, which was consigned by the Education Committee to interim study. Senator Cronin later introduced SB 592, a diluted version of SB 812 that would have created a four-year pilot program in one subdistrict of Chicago. That bill was passed by the Senate but was not called for a vote in the House.

Concurrently, House Bill 890, legislation designed by the Catholic Conference and introduced each year since 1989, was sponsored by Democratic State Representative Bob Bugielski. HB 890, the Illinois Education Choice Act, would have provided 1,000 scholarships for Illinois students to attend public, private, or religiously affiliated schools. Called to a floor vote, it received its lowest vote total since 1989, a contributing factor being the tax increase needed to pay for the plan.

Developments in 1994

Charter school legislation was introduced during the 1994 session of the Illinois legislature. The bill, a product of Republican Governor Jim Edgar's Learning Zone Task Force, was defeated by the Democrat-controlled House.

The Illinois Senate passed a pilot choice bill in 1994, but its counterpart (HB 525) failed in the House. Hearings were held on a comprehensive voucher bill (SB 812/HB 732), but the proposal failed to make it past the committee level. This plan, the Scholarship Schools Act, would have authorized vouchers worth $1,400 and $2,000, respectively, for parents of elementary and secondary school students to enable their children to attend private schools.

The Prairie State Initiative (PSI), a new grassroots organization formed to develop statewide support for school choice, plans to develop a comprehensive choice bill for introduction in 1995. The bill will include the city of Chicago and could be expanded to the rest of the state by referendum. PSI also plans to spend 1995 identifying and mobilizing 100,000 individual choice supporters in Illinois and securing support from business and civic leaders.

On the legal front, in late September the Illinois Court of Appeals upheld the state's school financing system and found that the state constitution does not guarantee equal school funding or insure that the schools provide an adequate educa-

tion. The Institute for Justice, a public interest law group, had filed suit against the Chicago and Illinois boards of education and the state school superintendent on behalf of poor children and their parents asking for school choice. The case, *Jenkins v. Leininger*, is before the Illinois State Court of Appeals. The Institute for Justice is arguing that the trial court erred in ruling that the Illinois constitutional guarantee of a "high quality" education is a matter entrusted exclusively to legislative discretion. The lawsuit asks that Chicago students be awarded their share of state education funds in the form of a voucher to be spent at public or private schools of their parents' choice that meet the constitutional quality requirement. The trial court expressed Establishment Clause objections to the proposed remedy.

Position of Governor

Governor Jim Edgar, a Republican re-elected in November 1994, introduced a plan to create 45 charter schools statewide. He has declared that, should a voucher bill reach his desk, he will sign it. He has not actively supported voucher legislation.

INDIANA

Current Situation

Indiana currently provides transportation to children attending private schools if they are on the same bus routes as public school children. In addition, low-income children attending private and parochial schools are entitled to state financial support for textbooks.

The Indianapolis school board in February 1992 approved a city-wide public school choice plan. Because of court-ordered racial balance requirement, however, choices have been limited. The Golden Rule Insurance Company, based in Illinois but with a major office in Indianapolis, started a national trend among corporate and philanthropic charities in 1991 with an innovative scholarship program. Working with other Indiana-based firms, Golden Rule's Choice Charitable Trust helps low-income Indianapolis children attend the private school of their choice by awarding them scholarships for up to half of tuition costs. While Indiana's education establishment has vigorously attacked Golden Rule CEO J. Patrick Rooney, who designed the scholarship program, parental response has been overwhelmingly positive.

Three years ago, an Indiana coalition of business leaders backing comprehensive school reform known as COMMIT launched a legislative drive for full choice in public and private schools. Comprehensive, choice-based education reform legislation, including statewide choice of public and private schools, backed by COMMIT was introduced in 1991 and 1992 but died in committee both years. To increase the chance of legislative approval, the COMMIT board in October 1992 voted to revise the bill by deleting private school choice. Even this weakened bill was not supported by the legislature, however, and COMMIT is again supporting private school choice.

Developments in 1994

Representatives Bill Crawford, a Democrat, and David Frizzell, a Republican, introduced legislation providing both public and private school choice for Marion County, which includes Indianapolis. The legislation provided only for poor students and required that local voters approve the program before it could be implemented. The bill never made it to committee, although the legislature did provide for an interim study committee on educational reform in Marion County. The committee discussed the possibility of implementing public and private school choice as well as charter schools, but it did not make any recommendations for the 1995 session.

A new statewide 10th grade examination is scheduled to be implemented in 1995, and up to 40 percent of students are expected to fail. Choice supporters are drafting legislation that will give a school choice option to those who fail.

The November 1994 election gave Republicans majorities in both the House and Senate. School choice legislation will be introduced in both houses in 1995. A school choice poll commissioned by the State Republican Committee and COMMIT showed strong support for vouchers statewide, especially within African-American communities.

In 1993-1994 (its third year), the Golden Rule private voucher program served close to 1,100 children, up from 744 in September 1991. Over 800 applicants are on a waiting list and more than 1,100 students are attending private schools in the 1994-1995 school year. Since the Golden Rule program was announced, several private firms and non-profit organizations in other states have instituted or are considering similar programs. The Hudson Institute, a national research organization based in Indianapolis, is conducting a three-year evaluation of the Golden Rule program.

Position of Governor

Evan Bayh, a Democrat, has no stated position on private school choice. However, he is exploring the possibility of a statewide open enrollment plan.

IOWA

Current Situation

Iowa is in its fourth year of a statewide interdistrict open-enrollment program. Approximately 7,500 students are taking advantage of this option, up from 1,700 in the first year.

Iowa also gives children attending non-public schools transportation if they and their schools are on the regular public school bus route. If they are not on the public route, parents can be reimbursed for transportation costs. Iowa's voucher payment for transportation has withstood several legal challenges. The state also permits post-secondary enrollment options which allow high school juniors and seniors to take college courses.

In addition, Iowa allows parents who send their children to private schools to take a tax deduction of up to $1,000 for each child, with a limit of four children per

family. Taxpayers who do not itemize deductions may take the deduction as a tax credit.

School districts in Iowa, as in most other states with public school choice policies, may deny district transfers if that would hinder desegregation efforts. The limits of this restriction were tested in Des Moines, where the school board in December 1992 refused to grant transfers for 122 white students for the following school year while granting requests from six minority students. The reason: during the first two years of choice, 402 of the 413 students choosing to transfer from Des Moines to surrounding suburban districts were white, and only eleven were members of minority groups. But the Des Moines school district has almost 32,000 students, only 20 percent of whom are minorities. Parents appealed the court's decision, which was overturned because the school board had no written policy to justify denial of the transfers.

After the ruling, the school board revised the open enrollment program to include explicit restrictions on transfers. The new policy established strict racial ratios for the school district. At the beginning of the 1993 school year, the school board denied more student requests for transfers based on the new desegregation restrictions. The recent race-based denials also are being challenged.

Developments in 1994

No significant developments.

Position of Governor

Terry E. Branstad, a Republican, favors public school choice but opposes choice plans that include private schools.

KANSAS

Current Situation

Kansas does not have a school choice program.

Developments in 1994

House Bill 2514 and Senate Bill 184 were introduced in the Kansas legislature in late 1993 and were considered in both the House and Senate education committees in 1994. HB 2415 would have allowed students attending non-public schools to obtain books on the same basis as students attending public schools. SB 184 would have allowed parents to enroll their children in the school of their choice, public or non-public, and receive a voucher worth $3,600 toward the payment of tuition.

In another development, Republican Kay O'Connor introduced a school choice bill (HB 2754) in the Kansas House of Representatives. The bill would have created a double phased-in proposal allowing families with lower incomes to be the first ones eligible to receive scholarships worth 50 percent of the state's per-pupil cost. The education committee voted the bill down 14 to 8. Representative O'Con-

nor then tried to bring the bill to the House floor but was defeated by a vote of 40 to 20.

While the O'Connor bill was being defeated, a poll taken by Emporia State University discovered that more than half of Kansans surveyed, and over 60 percent in urban areas, support school choice. O'Connor plans to introduce a revised version of her bill in the 1995 legislative session.

In early 1994, the legislature passed an education reform measure which allows for the establishment of charter schools by district boards of education. The legislation, introduced by the Senate Education Committee and its Republican chairman, David Kerr, provides alternatives within the public education system by offering opportunities for existing public schools, groups of public school personnel, contractors, and others to establish and maintain a program within a school district but independent of its other public school programs. There is a cap of 15 charter schools statewide, as well as a limit of no more than two such schools in any district.

Position of Governor

Newly elected Republican Bill Graves has not publicly endorsed vouchers but has expressed some openness to the concept.

KENTUCKY

Current Situation

A 1990 law gives parents limited authority to remove their children from a public school. The law was enacted after the Kentucky Supreme Court ruled that the state's entire system of public education was unconstitutional because the resources for public education were not allocated equally. While concerned mainly with school organization and new accountability guidelines to deal with the Kentucky Supreme Court ruling, the 1990 law also permits students to withdraw from their "assigned" public school if it is deemed a "failure" by state authorities, although they are not allowed to choose the public school to which they are transferred.

The Jefferson County school system (greater Louisville Area), however, does have a limited "choice"program of traditional and magnet schools. Traditional schools (grades K through 12) emphasize the basics (reading, writing, math, and science), are strong in discipline with specific dress and behavior codes, and require active parental involvement and support. Parents can put their names on a list for the traditional school which serves their district. Selection is made by a "draw system" guided by desegregation laws and the school district. There usually is a substantial waiting list. The magnet program (grades 1 through 12) requires application for a specific area such as science, math, computer science, performing arts, and the visual arts. A child's ability and talent in the chosen area are determined by references, grade and school records, and a personal interview.

Developments in 1994

Transportation for all non-public schools in Jefferson County was halted in response to a ruling by a circuit court judge in August of 1993. The Fiscal Court of Jefferson County, the Kentucky League for Educational Alternatives (KLEA), a grass roots organization for non-public school families and supporters, and the Archdiocese of Louisville filed a lawsuit to require the county to continue public funding for bus transportation to non-public schools. The case is in the appeals process.

During the 1994 General Assembly, Democratic Representative Jim Yates presented an amendment to the state budget (House Bill 302) requesting $4 million for transportation to and from school for all non-public school students throughout the Commonwealth. It passed in the House 55-31 but was removed from the budget in the Senate Appropriations and Revenue Committee. Democratic Senator Larry Saunders presented a duplicate amendment to the budget on the Senate floor, but it was ruled out of order. The budget was vetoed by the governor and the House upheld his veto on the last day of the session.

The governor called a special session on the budget in early June, and Representative Yates and Senator Saunders acquired enough votes to override the veto. The amendment called for $2 million per year in transportation aid for nonpublic school students for the next two years. Exactly how the money will be disbursed has yet to be determined.

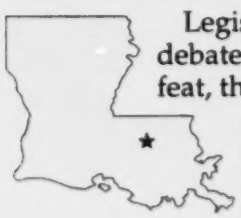
On March 1, 1994, Republican Representative Ken Harper introduced House Bill 802. This plan would give parents with a total yearly income of less than $75,000 a $2,500 scholarship for each child in grades K-12, good at any public school within the Commonwealth certified by the state Board of Elementary and Secondary Education. The House Elections and Constitutional Amendments Committee scheduled a hearing on Harper's bill, which received a favorable hearing but died in committee. The Kentucky League for Educational Alternatives and the Catholic Conference of Kentucky intend to support a new version of the bill during the 1996 General Assembly.

Position of Governor

Brereton Jones, a Democrat, vetoed transportation aid for private school students; he has no stated position on school choice.

LOUISIANA

Current Situation



Legislation to allow parental choice is a regular feature of Louisiana's debate on school reform. Although every such bill has gone down to defeat, there is strong support for school choice in the state. The Louisiana Association of Business and Industry and its affiliate, the grass roots Right to Learn Committee, are working with the Council for a Better Louisiana and the Associated Professional Educators of Louisiana, a non-union teacher organization, to expand the choice

coalition to include individual state legislators. These groups will continue to spearhead efforts to give parents and students the right to choose.

Developments in 1994

Because of a constitutional requirement that the legislature deal with fiscal items only in even-numbered years, education reform legislation was not introduced in 1994. The emphasis on school reform in Louisiana has switched from voucher proposals to charter school legislation, and the Louisiana Association of Business and Industry has made charter school legislation one of its top three priorities for 1995. Private school choice legislation probably will not be introduced in 1995, since Governor Edwin Edwards has promised to veto any school choice provisions.

Position of Governor

Edwin Edwards, a Democrat, opposes school choice. There is some indication, however, that he may sign a charter school bill.

MAINE

Current Situation

Maine has no school choice program, although some rural areas without public schools provide transportation aid for students who attend private schools outside the area.

Developments in 1994

Some districts in Maine have been in contact with the Edison Project to manage some of their schools. Although no comprehensive school choice bills were passed in 1994, Republican Senator Jane Amaro and Republican Representative Al Stevens, Jr., plan to introduce legislation in the 1995 legislative session.

Position of Governor

Newly elected Governor Angus King, an Independent, has no stated position on school choice.

MARYLAND

Current Situation

Maryland has no school choice program. However, officials have turned to the private sector for help in running Maryland's schools. Education Alternatives, Inc., a private corporation that runs a Florida public elementary school, is managing nine Baltimore public schools. The company has a five-year contract with the Baltimore School District and receives $5,415 per year for each student, the same amount allocated for each student in other Baltimore schools.

Governor William Donald Schaefer, in his January 1993 State of the State address, proposed a pilot voucher program which would have given $2,900 grants to low-income students to be used at the public or private school of their choice. The bill was attacked vigorously by the Maryland State Teachers Association (MSTA), which claimed that Schaefer wanted to divert funds to Catholic schools. Under MSTA and other education establishment pressure, the proposal was killed when the General Assembly withdrew funding for the bill.

Charity for Choice, a privately funded voucher program set up by David Gadson, a teacher and community activist, recently merged with the District of Columbia's Washington Scholarship Fund.

Developments in 1994

No school choice legislation was introduced during the 1994 legislative session.

Position of Governor

Newly elected Governor Parris Glendening, a Democrat, supports public school choice only.

MASSACHUSETTS

Current Situation

A 1991 Massachusetts law permits students to attend a public school in a district other than their own if the recipient district chooses to participate. The program began in September 1991 and was amended in July 1992, when legislation capped the amount that a sending district can lose at $5,000 per pupil, or 75 percent of its costs, whichever is the lower. Currently, there is no transportation assistance for children who cross district lines to attend schools of their choice.

Besides the open enrollment program, Massachusetts has several moderately successful public school choice programs. The two most prominent are in Boston and Cambridge. Boston introduced choice in 1989 at the prodding of a frustrated business community. Under the program, the city was divided into three school zones for grades K through 8, with students allowed to pick from among all city schools as long as their choice does not undermine the state's guidelines for racial integration.

In 1981, Cambridge launched a school choice program for students in grades K through 8, eliminating the system of zones that required a child to attend a certain school. Now schools can accept any child and are constrained only by the available space and state desegregation requirements. This citywide choice program has resulted in improved academic performance by participating students.

Both programs have resulted in more racial integration and increased public school enrollment. Still, most Massachusetts school choice supporters maintain that the plans, by excluding private schools, are too limited to offer the full market benefits of genuine competition.

Since 1991, the Inner-City Scholarship Fund has given scholarship assistance to children to attend Catholic schools that serve low-income areas of Boston. During the 1993-1994 school year, the program aided 2,805 students. In addition, since 1983, the Catholic Schools Foundation has given aid to 94 Catholic schools in the Boston area.

In 1993, Republican Governor William Weld signed the Education Reform Act into law. Among other things, the new law authorizes the establishment of up to 25 charter schools, beginning in 1995. No more than five of these schools may be established in Boston or Springfield, no more than two may be located in any other city or town, and no more than 0.75 percent (about 6,000 children) of the total public school student population may attend charter schools. Tuition payments will vary, depending on where a school is located and where its students live.

The Massachusetts inter-district public school choice program also was amended in 1993. School districts that choose not to accept incoming students from other districts may opt out of the program by vote of the local school committee. Districts that do participate may determine, without state review, the number of available seats for out-of-district students. Transportation costs will be reimbursed to poor students travelling to neighboring districts. Schools accepting students will receive tuition from the state equivalent to 75 percent of actual per-pupil spending in that district, up to $5,000. The board of education will establish an information system to assist parents in making choices among participating districts. In its first year of operation, no more than 1 percent (about 8,000 children) of the total public school student population may participate in inter-district choice. This number rises to a permanent limit of 2 percent (about 16,000 children) by 1997. During the 1994-1995 school year, 86 school districts (about one-quarter of all the districts in the state) are accepting out-of-town transfers under inter-district choice. More than 2,800 students are participating in the program.

Developments in 1994

Fifteen groups have been granted provisional charters under the 1993 law for schools that will open in September 1995. The remaining ten charters are expected to be granted by March 15, 1995, although it is unlikely that any of these schools will open until 1996.

Senate President William M. Bulger, a Democrat and a vigorous proponent of school choice, is attempting to obtain legislative approval to remove language from the state constitution preventing state aid to private and parochial schools. If final legislative approval is granted, his constitutional amendment will go before the voters.

Position of Governor

Governor Weld favors giving parents a full choice of both public and private schools.

MICHIGAN

Current Situation

Three intermediate school districts just completed the third and final year of experimental regional inter-district choice programs. The law was allowed to expire at the end of 1994.

Intra-district choice programs have been very limited although a handful of school districts are proceeding with choice plans encouraged under legislation passed in 1991. Most notably, the Detroit School Board has adopted its own procedures for chartering district schools and to date has received six charter school applications.

In 1992, the Vandenberg Foundation was created to award scholarships to low-income students in Detroit and Grand Rapids. Modeled on the successful Golden Rule Insurance Company program in Indianapolis, the Vandenberg Foundation awarded eight scholarships in the 1993-1994 school year.

"Cornerstone Schools," three schools established by a coalition of church groups, businesses, labor, and community organizations, since have given Detroit area children an educational alternative. Since over half the children in the Cornerstone Schools cannot afford the full tuition, the schools set up the Partner Program. This program matches each low-income student with a partner, who gives the student partial scholarship assistance and plays an active role in the student's life. Three hundred sixty-three students were enrolled in the Cornerstone Schools in the 1993-1994 school year.

In July 1993, frustrated by the repeated failure of voters to approve ballot measures for school finance reform, the Michigan legislature took the extraordinary step of repealing property taxes as a source of school operating revenues. Republican Governor John Engler and his legislative allies crafted quality improvement and cost containment measures such as school choice, open shop for teachers, abolition of teacher tenure, alternative certification, mandatory competitive bidding of teacher health insurance, and school employee pension reform. The Engler plan also included full portability of the state pupil foundation grant and a net tax cut.

Opponents, led by the Michigan Education Association (MEA), succeeded in blocking nearly all of these reforms. Furthermore, the MEA backed legislation that would increase school spending and even further centralize school administration at the state level.

On December 24, 1993, the legislature, acting under a self-imposed deadline, passed a series of bills to replace most of the repealed property tax revenue, presenting voters with the option of raising either the sales tax or, by default, income and business taxes. In addition, legislators overhauled state school aid, folding many categorical programs (such as school transportation and some special education) and separate obligations (such as employer FICA and retirement) into a basic per-pupil grant which could not be transferred between districts.

The most significant reform was charter school legislation, making Michigan the eighth state to approve this unique educational reform. State public universities

and community colleges, in addition to local and intermediate school districts, can authorize by contract the creation of "public school academies," or charter schools. The Michigan legislation has both good and bad features. On the positive side, universities have the greatest flexibility to contract: charter schools authorized by universities can operate, and are free to enroll students from, anywhere in the state. The legislation places no limits on the number of charter schools that can be created or on the length of their charters. Moreover, teachers in charter schools do not enjoy tenure rights or guaranteed employment after four years as they do in the rest of Michigan's public schools.

Charter schools are eligible for state funds equal to the lesser of two amounts: $5,500 per enrolled pupil (roughly the state average) or the average per-pupil expenditure in the local school district in which the charter school is located.

On the negative side, the legislation contains no blanket regulatory waiver or procedure for granting limited waivers from state regulations which too often hinder innovation. Charter schools are defined for constitutional and school aid purposes as "school districts" and thus may be subject to the same regulations that bind districts in the areas of admissions, curriculum, assessment, accreditation, teacher certification, special education, and (in the specific case of district-authorized charter schools) all employee contract provisions. In addition, ambiguity regarding the scope of applicable state law may delay creation of new charter schools.

In September 1993, Wayne State University opened the state's first charter school, a middle school in the city of Detroit. Over 5,200 students, more than 50 percent of whom qualified for federal school lunch aid, applied for 350 seats, necessitating selection by lottery.

The passage of Michigan's charter school legislation appears to have delayed efforts by TEACH Michigan, a statewide grassroots political organization, for a ballot initiative to repeal the state's constitutional prohibition against full educational choice. Proponents are focusing on creating new charter schools and on further liberalizing the charter school legislation as a step toward full school choice.

Developments in 1994

In March 1994, the voters of Michigan overwhelmingly approved a 2 cent sales-tax increase rather than an increase in the state income tax to finance schools. This was seen as a boon for Governor Engler and a setback for the Michigan Education Association.

Early in the year, the Republican majority in the legislature passed amendments to the Public Employment Relations Act (PERA), including one specifying that collective bargaining between a public school employer and a representative of its employees cannot include "the decision of whether to provide or allow interdistrict choice and in which grades and in which schools." The amendment may well affect one of the reform measures likely to be revisited at the urging of Governor Engler: full portability of the state per-pupil grant between districts.

A number of opponents of the state's charter school law filed a lawsuit against the statute in 1994. In November, Michigan Circuit Court Judge William Collette declared the eight existing charter schools unconstitutional, claiming that "charter

schools do not meet the legal definition of public schools" and "usurp the power of the state Board of Education to supervise public education."

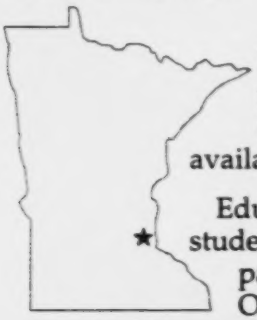
In response to the ruling, the Michigan Senate approved SB 1317, which provides stop-gap funding to the eight approved charter schools as well as one additional pending approval. The House Appropriations Committee adopted H11 which incorporated the Senate amendment for stop-gap funding with slight modifications. The only approved charter school that was not given stop-gap funding was the Noah Webster Academy, a charter school that accommodated home school students via on-line services. Because of the suspicion that the Academy used public funds for religious purposes, the legislature decided not to provide stop-gap funding for the school. In addition, the Senate and House also approved substitute bills to bring the charter school law into compliance with Judge Collette's ruling.

Position of Governor

John Engler, a Republican, has been a staunch advocate of liberal charter school legislation and inter-district schools of choice. He has refrained, however, from openly supporting an amendment to the state constitution to give parents and students full educational choice.

MINNESOTA

Current Situation



Minnesota has led the school choice movement at the state level. In 1988, it became the first state to pass statewide open enrollment for all students. As a result, all school districts were opened to any student in the state, provided that space was available.

Educational establishment critics of school choice claim that most students transfer for frivolous, non-academic reasons. But Minnesota parents, according to a joint federal-state study, "Minnesota's Open Enrollment Option," prepared by Michael C. Rubenstein, Rosalind Hammar, and Nancy J. Edelman of Policy Studies Associates, Inc., cite "academic reputation" as the single most important reason for transferring their children, followed by educational services, proximity to home, and learning environment. Over 15,000 students participated in the open enrollment program in the 1993-1994 school year.

Minnesota also was the first state to permit high school student enrollment in college for dual credits. This program, which began in 1985, allows high school juniors and seniors to take courses at local colleges for both high school and future higher education credit. A share of the money allocated for their high school coursework follows the students to their chosen college. As a result of this program, local high schools have doubled the advanced placement courses they offer, meeting the stiff competition for students posed by college-run courses. Over 6,000 students participated in this program during the 1993-1994 school year.

In 1991, Minnesota again broke new ground by enacting the Charter Schools Act. This law permits teachers to create and operate new public schools virtually unhindered by state and local bureaucracy. Supporters of school choice in Minnesota see this type of institution as bridging the gap between public and private schools. The original legislation provided for eight charter schools.

Furthermore, Minnesota allows families with children to take a tax deduction for school expenses, including private school tuition. Deductible expenses include transportation, required clothing, school books, and other supplies. The tax deduction applies if the child attends a private or parochial school. The maximum annual deduction for students in grades seven through twelve is $1,000.

Minnesota offers a "second-chance" program to children twelve and older with a deficiency in basic skills or a history of personal or disciplinary problems. This High School Graduation Incentive Program allows these students to attend either a public school or one of several private schools operating under contract with school districts. Because state revenues follow them, students can go to schools designed to deal with their specific problems.

In 1993, the legislature voted to expand its charter school law, increasing the number of charter schools permitted in the state from eight to twenty. The legislature also made it easier for schools to obtain charter status. For example, schools denied charters by their local school boards now are allowed to appeal their case to the state board of education. Currently, there are thirteen charter schools operating.

Also in 1993, the Minneapolis School Board contracted-out the leadership of its school system to Public Strategies Group, a Minneapolis-based private consulting firm. The firm will manage the school district's 75 schools and $220 million budget. Peter Hutchinson, president of the group, serves as Superintendent. Public Strategies hopes to change the schools from a "culture of bureaucracy to a culture that focuses on customer service, where the parents and students are the customers." The firm is paid only if it meets goals negotiated every six months with the Minneapolis school board.

In a related development, the Minnesota Board of Education approved a blanket waiver which will exempt the North Branch school district, located in the Minneapolis-Saint Paul suburbs, from most state rules and regulations. The North Branch waiver is less expansive than the waivers granted to charter schools, which are exempt from burdensome laws and regulations. The North Branch district must continue to abide by all state education laws and may disregard only state educational regulations. Unlike the charter bill, which gives sweeping exemptions to a certain category of school, however, the North Branch waiver applies to all schools in the district.

Developments in 1994

In 1994, the Minnesota legislature again refined the charter school law, increasing the number of charter schools allowed in the state to 35. Also, charter schools now can lease classroom space from religious organizations.

Position of Governor

Arne Carlson, a Republican, has strongly supported charter schools and the state open enrollment plan, while strongly opposing private school choice.

MISSISSIPPI

Current Situation

Mississippi offers no school choice program.

Developments in 1994

School choice was a major issue in Republican Governor Kirk Fordice's successful 1991 campaign. The governor appointed a special task force in 1992 to look into options for school reform. As a result of the task force work, he proposed, as part of an omnibus education bill, allowing local school districts or a group of local school districts within the same county to initiate a public school choice program if approved by voter referendum. The omnibus bill passed the Senate in 1994 but was defeated in the House.

One topic of discussion in 1994 was called "local rule schools." The governor has expressed great interest in this idea, under which "local rule schools," somewhat similar to charter schools, would be allowed to secede from the State Department of Education and still receive state funds. Some type of legislation is expected in 1995.

Position of Governor

Governor Kirk Fordice, a Republican, supports school choice for both private and public schools.

MISSOURI

Current Situation

Magnet schools were instituted in Kansas City in the late 1970s. They were designed to attract suburban white children to central city schools, thereby promoting voluntary desegregation. Under a 1986 federal court order, the Kansas City school district was directed to undertake a massive building and curriculum reform program; the judge ordered the public schools to become "world-class" in quality. The price tag for carrying out the improvements is now estimated to be over $1.3 billion above the normal school budget — an extra $36,000 for each of the school system's 36,000 children — despite which educational performance as measured by reading and math scores has not improved and the drop-out rate continues to climb steadily. With huge infusions of state money to support the magnet school plan, per-pupil expenditure is nearly double the state average and triple that of private schools.

A voluntary public school choice arrangement between school districts to fuel desegregation efforts was established in St. Louis in 1983. It allows a limited number of minority children to attend suburban public schools.

Developments in 1994

Republican State Senator Peter Kinder introduced a proposal for a referendum on a school choice amendment to the state constitution in January 1994. Senators Ronnie DiPasco, Mike Reid, Irene Treppler, John Scott, Frank Flotron, Walt Mueller and Tom McCarthy co-sponsored the bipartisan bill.

This proposal (Senate Joint Resolution 17) to amend article IX of the state constitution was to be placed on the November ballot. Had it passed, it would have given students scholarships to enroll in the public or private schools of their choice. The scholarships would have been redeemable at any private or public scholarship redeeming school. The amendment would have taken effect in the fall of 1995, ensuring coverage of all school children by the fall of 1997 and providing scholarships of at least 50 percent of the average amount spent per public school student for education in grades K through 12 during the preceding fiscal year. SJR 17 did not make it through the Education Committee, but Senator Kinder and his allies plan to introduce a slightly revised version in 1995.

In addition, the Missouri Right to Learn Committee, a coalition of choice activists, business leaders, and Catholic Conference officials, plans to draft a local option school choice bill for the 1995 legislative session. They have been working with Senator Kinder, and the two efforts eventually may be combined. Because Democrats control both the House and Senate and generally oppose school choice, the outlook for educational choice in Missouri is dim.

On the legal front, the United States Supreme Court agreed on September 26, 1994, to review the scope of the massive desegregation remedy implemented in Kansas City by order of U.S. District Court Judge Russell A. Clark for a third time. The Court accepted an appeal by the state of Missouri, which has been forced to bear much of the cost of the desegregation plan. The specific issue before the Court is whether a desegregating school district must not only provide equal educational opportunities, but also improve student performances and test scores before judicial supervision can be concluded.

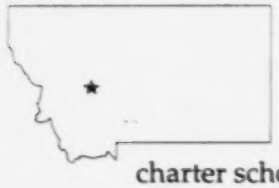
Landmark Legal Foundation, the Kansas City-based public interest legal group that defended Democrat Representative Polly Williams's school choice program in Milwaukee, Wisconsin, has long opposed court-ordered taxes levied to pay for the Kansas City desegregation scheme and in 1995 will urge the Supreme Court to reject such an extreme outcome-based standard for desegregation cases.

Position of Governor

Mel Carnahan, a Democrat, opposes school choice and has promised to push instead for aggressive tax increases to generate additional funding for public education.

MONTANA

Current Situation



Montana has no school choice program.

Developments in 1994

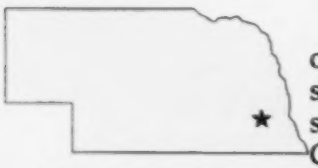
The legislature did not meet in 1994. It is expected that charter school legislation will be introduced in 1995.

Position of Governor

Marc Racicot, a Republican, believes school choice would not be a practical option for Montana, given its sparse population.

NEBRASKA

Current Situation



In 1990, Nebraska became the fourth state to adopt an open enrollment law. Nebraska permits parents to choose schools outside their district statewide, subject only to constraints of space and legal requirements for racial balance. Currently, 4,114 pupils attend schools outside their home district. But students are allowed to exercise this transfer option only once in their academic careers, unless their family moves. The open enrollment law does not address choice of schools within district boundaries, so each district is free to set its own policy.

State funds for the transportation of students across district lines are available for all low-income children who qualify for free lunches under the National School Lunch Program. Parents of children who do not qualify must arrange for transportation to the receiving district line, and the receiving district will provide transportation from the district line to the school.

Developments in 1994

There were no developments in 1994.

Position of Governor

Ben Nelson, a Democrat, supports Nebraska's public school open enrollment program. He does not support private school choice.

NEVADA

Current Situation

Nevada has no school choice program.

Developments in 1994

The Nevada legislature did not meet in 1994. The charter school idea received support in the legislature in 1993 and may be introduced in 1995.

Position of Governor

Bob Miller, a Democrat, opposes school choice plans including charter schools largely because of transportation costs.

NEW HAMPSHIRE

Current Situation

Local funding is stronger in New Hampshire than in any other state, accounting for roughly 90 percent of per-pupil expenditures. As a result, school districts traditionally have enjoyed wide latitude in setting educational policy, and this includes establishing school choice programs. In some rural districts which are too small to operate their own high schools, for instance, a town may use local tax dollars to send students to nearby public and private high schools.

In response to a 1992 state Supreme Court ruling that Epsom's decision to give local property owners a $1,000 tax rebate for each child they enrolled in a private or parochial school did not meet the "for good cause" criterion for tax abatement, Republican State Representative Jim Fenton introduced House bill 368. The bill would have defined private school tuition costs legally as a "good cause" for local tax abatement purposes. The bill was voted down in the House.

Developments in 1994

Republican Representative John Hunt introduced HB 599-FN, which would have set up a committee to study the charter school option. The exploratory bill did not make it out of the Senate Education Committee.

A petition is being circulated in Manchester to put privatization of the city's schools on the November 1995 ballot. In addition, Bud Luebkert, President of the New Hampshire Parents Association, recently was elected to the New Hampshire House of Representatives. Luebkert and the New Hampshire Parents Association have been among the state's strongest supporters of parental choice.

Position of Governor

Steve Merrill, a Republican, favors public school choice, including charter schools. He also endorses private school choice, but limits his support to non-religious private schools because the New Hampshire State Constitution prohibits public money going to religious institutions.

NEW JERSEY

Current Situation

Certain school districts in New Jersey operate choice programs.

The first of these was Montclair, now recognized nationally for a district-wide school choice program. Montclair also has established various magnet schools to enhance academic programs and encourage racial integration. Parents are permitted to choose among district schools, and if a school is over-subscribed, students are accepted by lottery.

Launched in 1976, the Montclair program has boosted student achievement. A 1990 report by the Educational Testing Service (ETS) confirmed the district's academic progress: between 1984 and 1988, the median reading and mathematics scores of minority and non-minority students rose in all grades. In most grades, minority students made greater gains than non-minority students, and the overall gap between minority and non-minority academic achievement declined by almost 30 percentage points over four years. The system also has succeeded in fostering voluntary racial integration.

Montclair's program limits parental choice only if it results in racial imbalance or if there is not enough classroom space. But, as with other such "controlled choice" experiments, the ETS found that over 95 percent of the Montclair families received their first choice of school.

Encouraged by Montclair's solid success, a few other New Jersey districts, such as Franklin Township, Newark, and Atlantic City, are experimenting with similar programs.

Early in 1993, Republican Assemblyman John A. Rocco and former House Speaker Joseph Doria, a Democrat, proposed legislation allowing for creation of two charter schools in each of New Jersey's 21 counties. Doria also introduced comprehensive school choice legislation which would have allowed voluntary public school choice as well as creation of two charter schools in each county. This legislation was referred to the Assembly's Education Committee but died in committee.

Developments in 1994

In 1994, Bret Schundler, Republican Mayor of Jersey City, designed the Jersey City "Children First" Education Act. This novel state legislation would create charter schools and provide both public and private school choice for Jersey City students. It allows for duplication of the East Harlem District 4 alternative school program, unlimited creation of charter schools, and special "scholarship" schools, which are private schools eligible to receive vouchers.

Mayor Schundler has assembled an impressive coalition of over forty New Jersey and national grassroots organizations and is mobilizing them for the legislative fight in 1995 for a Jersey City school choice pilot program. The president of the local American Federation of State, County, and Municipal Employees has endorsed Schundler's efforts.

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In October 1994, Republican Governor Christine Todd Whitman announced her own school choice plan, also specifically limited to Jersey City. The Whitman plan would have provided state-financed vouchers only to families with children entering the first and ninth grades, allowing families with children in these two grades to use the vouchers to choose either public or private schools for their children. It also would have provided for the creation of charter schools in Jersey City. The Whitman legislation was substantially weaker than Mayor Schundler's original proposal and amounts only to a limited "experiment" in school choice. However due to teacher union pressure and the political pressure of an upcoming election year, Governor Whitman has decided to shelf the idea for the next year. She is appointing a fifteen-member blue ribbon panel to study a statewide charter school plan as well as a Jersey City pilot voucher proposal.

Beyond the bipartisan efforts of New Jersey's elected officials, the Scholarship Fund for Inner-City Children, a private group based in Newark, is making it possible for students to attend Catholic inner-city elementary and secondary schools. Since 1984, the Fund has provided 13,700 scholarships. It will disburse $460,000 in scholarships for the 1994-1995 school year. These scholarships allow needy students — slightly more than half of them Catholic — to attend one of the 95 inner-city Catholic elementary and secondary schools within the Archdiocese of Newark.

The scholarship program also gives grants to schools to develop programs and curricula that address the particular needs of their students. For example, one recent grant was given to St. Patrick High School in Elizabeth to help establish a special education program for students with learning disabilities. The Fund provided $62,000 in 1994 to support 12 school-based educational programs similar to the one in Elizabeth. All money distributed comes from personal, foundation, and corporate donations.

In addition, the Newark Student/Partner Alliance, modeled on the New York City-based Student/Sponsor Partnership, enabled 30 children with 20 different sponsors to attend one of four schools during the 1994-1995 year.

Position of Governor

Christine Todd Whitman, a Republican, supported all forms of school choice in her 1993 election campaign, including public school choice, private school choice and charter schools. She also was a strong supporter of Mayor Bret Schundler's original innovative reform proposal, but has since backed away from Schundler's reforms for Jersey City in favor of her own more modest experiment.

NEW MEXICO

Current Situation

In 1993, New Mexico passed its Charter Schools Act. The bill authorizes the state board of education to create charter schools within local school districts, to permit individual schools to restructure their educational curricula to encourage different and innovative teaching methods, and to allow local school boards to allocate funds to individual schools for site-based budgeting and expendi-

tures. Five schools in the state may operate as charter schools, but only existing schools may apply. There currently are four charter schools.

New Mexico also allows the state education department to contract with private firms to give high school students at risk of dropping out an educational alternative. Students who fail three or more classes are considered "at risk."

Developments in 1994

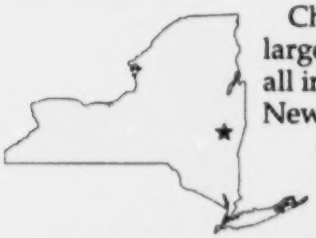
Only budget matters were discussed in the legislature during the 1994 session.

Position of Governor

Newly elected Governor Gary Johnson, a Republican, supports public school choice and charter schools.

NEW YORK

Current Situation



Choice is not generally available in New York State, despite the large number of private and parochial schools serving children of all income levels and racial, ethnic, and religious backgrounds. New York does provide transportation to students in non-governmental schools, however, as long as they use existing school bus routes.

New York City is the site of the well-known school choice plan in East Harlem's District 4. Beginning in 1976, District 4 officials allowed teachers in Harlem's junior high schools to redesign and create new schools and parents to choose which schools their children would attend.

This innovative program is credited with raising reading scores, lifting Harlem from 32nd among New York City's 32 school districts in 1973 to a high of 15th in 1987. East Harlem's reading scores have fallen somewhat since then, but remain in the middle range for New York City districts. The school choice plan also has attracted white students back into the largely minority school district. At least four other New York districts are experimenting with similar intradistrict programs, and Districts 7 (South Bronx) and 5 (Central Harlem) are beginning to implement choice.

In January 1993, the New York City Board of Education adopted a proposal to broaden school choice. Beginning in September 1993, New York City's 700,000 elementary and junior high school students could attend any city school outside their district as long as space was available. This citywide policy applied only to out-of-district transfers; transfers within a district vary according to the policy of the district. No provision was made for transportation, which posed few problems in New York City. More troubling, the city's best public schools already tend to be crowded. In an attempt to alleviate this problem, New York officials announced 32 new specialty schools.

The Student-Sponsor Partnership founded by Peter Flanigan, Managing Director of Dillon, Read, and Company in New York City, has been awarding vouchers

to low-income, at-risk New York City high school students to attend private, generally Catholic high schools since 1986. Over 820 students are involved in this program for the 1994-1995 school year.

In addition to the Student-Sponsor Partnership, two other programs help low-income students attend the nongovernmental school of their choice. The Albany-based Hope Through Education program has awarded half-tuition scholarships, up to a maximum of $1,500, to 25 low-income students. Likewise, the New York City-based Operation Exodus Program has placed 97 low-income inner-city children in eleven different religious schools in rural areas.

Developments in 1994

A unique education voucher proposal was introduced in 1994, with companion bills in the Senate and Assembly. The principal Senate sponsor was Republican Serphin Maltese, with Republican Dale Volker as co-sponsor. In the Assembly, the principal sponsor was Democrat Dov Hikind (a Representative from a Brooklyn district containing a large number of Orthodox Jewish schools), with Democrat Anthony Seminerio as co-sponsor. The legislation would have phased in education vouchers for New York families. Both the value of the vouchers and the number of families eligible to receive them would have been phased in over three years. In the first year, parents with incomes among the lowest one-third in the state would have qualified for vouchers worth about $1,700, or 20 percent of the cost per student in New York's public schools. In the second year, families with incomes among the lowest two-thirds would have qualified for vouchers worth $2,550, or about 30 percent of the public school cost per pupil. By the third year, all families would have qualified and the voucher's value would have increased to $3,400, or about 40 percent of the per-pupil public school cost. Home schoolers would have received 50 percent of the voucher amount. Both bills died in their respective education committees.

Senator Maltese and Representative Hikind plan to reintroduce the proposal in the 1995 legislative session.

Position of Governor

Unlike his predecessor, Democrat Mario Cuomo, newly elected Republican George Pataki favors school choice, particularly vouchers.

NORTH CAROLINA

Current Situation

North Carolina has no school choice program.

Developments in 1994

In a special session on the state's Juvenile Crime Prevention Act of 1994, Representative Steve Wood, a Republican, proposed a tuition grant for "at-risk" children to attend alternative schools. Any student expelled, suspended, or performing at least two years behind grade level in reading would

have been eligible for a tuition grant would have been equal to the local and state supplement: approximately $3,800. The amendment was defeated in the House Education Committee.

With larger numbers in the state legislature, supporters of school choice in North Carolina likely will cause a bigger stir in the coming session. With the Republican takeover of the House, school choice proponents have taken key leadership roles. Both Harold Brubecker, new Speaker of the House, and Steve Wood, the likely House Education Committee Chairman, are school choice advocates.

In another development, the General Baptist Convention, an organization of Black Baptist Ministers, passed a resolution strongly favoring school choice at its recent meeting.

Position of Governor

Democratic James B. Hunt favors choice among public schools only. In addition, he mentioned charter schools favorably in his 1994 State of the State address.

NORTH DAKOTA

Current Situation

Districts may allow interdistrict and intradistrict transfers of students at the discretion, respectively, of both districts or of schools within the same district.

An interdistrict public choice bill was passed in 1993, but school districts are under no obligation to provide transportation for transferring students. For funding purposes, students are counted as students in the receiving district. A maximum of 20 percent of a district's students are eligible to transfer. Currently, over 900 students participate in the program.

Developments in 1994

The legislature did not meet in 1994. Tax credit and voucher legislation are both expected to be introduced in 1995.

Position of Governor

Republican Edward T. Schafer favors choice and options within the public school system but not private school choice.

OHIO

Current Situation

Ohio in 1990 became the fifth state to enact statewide open enrollment. Under the law, schools are required to accept students who choose a school from within their district, providing space is available. Students also may transfer between districts, with the state's share of funding following them to the new school. The law went into effect in the 1993-1994 school year, and interdistrict open enrollment is operat-

ing successfully in approximately half of the state's 600 school districts in the 1994-1995 school year.

Fifty of Ohio's 612 districts are running pilot interdistrict open enrollment programs, and 559 students statewide are attending schools outside of their assigned districts. Ohio also offers post-secondary enrollment options, meaning that high school students may enroll in college courses at nearby universities and community colleges.

Developments in 1994

Legislation based on a gubernatorial commission report on school choice was introduced in both the Senate and House. The Ohio Scholarship Plan called for $25 million to create pilot education voucher programs in local school districts. The condition: they must be approved in a given district by a majority of voters in that district or by the local board of education. The vouchers would be based on a sliding scale, with an average of $2,500 for elementary students. The legislation (SB 236), sponsored by Republican Senator Cooper Snyder did not move out of committee during the session. The House bill (HB 564), sponsored by Republican Representative Mike Fox and Democratic Representative Patrick Sweeney, became stalled in the House Education Committee. The legislation is to be reintroduced during the 1995 session. Republicans now control both the House and Senate in Ohio, and it likely that some form of choice and charter school legislation will pass in 1995.

Two Ohio communities, Worthington and Bridgeport, are exploring the possibility of contracting out services for private elementary school education.

Hope for Ohio's Children, a new grassroots organization working for school choice, on August 17, 1994, released the results of a statewide survey conducted by the Center for Urban Studies at the University of Akron. The survey indicated that 88.8 percent of those polled believe parents should have the right to send their children to the public, private, or parochial school of their choice. According to the poll, 71.7 percent of Ohioans support a pilot project to test school choice, and well over half would vote for school choice in their district.

The Cleveland *Plain Dealer* also conducted a survey in conjunction with the Gordon S. Black Corporation. Two-thirds of those polled said they believed that they received a better education than public school students get today. They also expressed support for a voucher system. The *Plain Dealer* poll indicated that if the legislature launched the Ohio Scholarship Program, 594,000 students would leave the public school system.

Position of Governor

George Voinovich, a Republican, favors full school choice.

OKLAHOMA

Current Situation

Oklahoma has no school choice program.

Developments in 1994

Republican Senator Don Rubottom and Democrat Representative Charles Gary sponsored joint resolutions, SJR 32 and SJR 35, based on model legislation developed by the Committee for Oklahoma Educational Reform (COER).

The bipartisan legislation would have allowed students to attend any private or public school. Students choosing to attend public schools would have received a scholarship equal to the state's average per-pupil amount, while students choosing private schools would have received only 70 percent of the average per-pupil amount, with the 30 percent difference returned to taxpayers as a tax cut. The plan also included consolidation of the educational bureaucracy by site-based management in an attempt to give more autonomy to local schools.

Although both resolutions failed in the Senate, they likely will be reintroduced in 1995.

Position of Governor

Newly elected Republican Frank Keating favors both public and private school choice.

OREGON

Current Situation

A 1991 Oregon law contains two provisions for public school choice. The first permits parents of children who have not made progress at any grade level for at least one year to choose another school, provided the receiving school agrees to accept the student. The second creates a tenth grade certificate of Initial Mastery indicating a certain level of basic skills. A student earning this certificate may attend any public school or state community college to pursue vocational or college preparatory course work.

In 1990, Oregonians rejected a $1,200 proposal introduced by Oregonians for School Choice, a grassroots parents organization. Measure 11 would have allowed parents to send their children to the public or private schools of their choice and would have helped pay for home schooling. Although it was defeated by a two-to-one margin, the campaign galvanized a coalition to promote school choice.

Developments in 1994

Oregonians for School Choice failed to obtain enough signatures for a ballot initiative in 1994. They obtained more than 10,000 but were unable, through their petition drive, to get the 89,000 necessary to get the Oregon K-12 Scholarship Plan on the ballot. The plan would have established scholarship amounts for different ages or grades and amended the Oregon constitution to enable state and local governments to use public school funds to pay 60 percent of the average public school cost in tuition for "scholarship" schools. It also included a ten-year phase-in limiting the number of scholarships awarded to 10 percent of the eligible student popu-

lation in the 1995-1996 school year, 20 percent in the 1996-1997 school year, and an additional 10 percent every year until it reached 100 percent. For the ten-year phase-in period, poor children would have received priority, followed by students receiving scholarships in the previous year and then by new applicants. If there were more applications from eligible students than there were scholarship places, students would have been selected by lottery. Oregonians for School Choice is considering either trying to get the referendum on the 1996 ballot or drafting a similar school choice bill for the legislature.

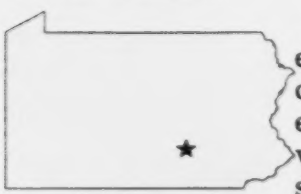
The Oregon legislature meets every two years for a six-month session and is meeting in 1995. A charter school bill introduced by Representative Patty Milne, a Republican and Majority Whip, could pass in some form.

Position of Governor

Barbara Roberts, a Democrat, supports limited forms of public school choice, but opposes any plan that includes private schools.

PENNSYLVANIA

Current Situation



Pennsylvania has no school choice program, although parents came close to winning statewide school choice in the fall of 1991. The state Senate passed a bill giving all children $900 educational opportunity grants which could be used at private schools. The legislation also established statewide public school open enrollment. The Senate approved the bill, which lost narrowly in the House of Representatives. Similar legislation was introduced and defeated again in 1993.

Developments in 1994

No school choice legislation was introduced in 1994. However, Pennsylvania will be one of the hottest spots to watch in 1995. With school choice supporter Tom Ridge as Governor, and with a supportive legislature, school choice legislation appears likely in 1995.

Position of Governor

Newly elected Republican Tom Ridge favors comprehensive school choice as well as charter schools.

PUERTO RICO

Current Situation

Puerto Rico provides tuition tax credits for private school tuition.

A pilot voucher plan was signed into law by Governor Pedro Rosello in September 1993. The $10 million project enabled parents with an-

nual incomes of less than $18,000 to receive vouchers of up to $1,500 for the public or private school of their choice, including religious schools. In addition, forty different public schools have been transformed into self-governing "community schools" which function much like charter schools. The vouchers are portable between public schools, as well as from private to public and public to private.

Preliminary evidence belied the assertion that a voucher program would ruin the public school system. In the fall of 1993, 1,809 vouchers were awarded. Of these, 1,181 were used by students to transfer from one public school to another, 317 were used to move from private to public schools, and 311 were used to shift from public to private schools.

Developments in 1994

In 1994, a total of 15,561 students chose their own schools.

As expected, one of the teacher unions filed a lawsuit claiming that Puerto Rico's new choice law is unconstitutional. The Institute for Justice, a public interest legal group in Washington, D.C., represented a group of parents and children who are defending the program. In *Asociacion de Maestros v. Departamento de Educacion*, a trial court struck down the private school provision of the program as unconstitutional because the Puerto Rican constitution specifies that "No public funds shall be used for the support of schools or educational institutions other than those of the state." The court did not address separation of church and state issues. The Institute for Justice filed a motion for expedited review with the Puerto Rico Supreme Court, along with a motion to stay the trial court's ruling pending appeal, so that the program could proceed into the 1994-1995 school year.

The Puerto Rico Supreme Court granted a stay to allow the program to continue. However, on November 30, it ruled 5-2 that the scholarship program allowing low-income students to attend the school of their choice violated the Puerto Rico constitution. The court, however, permitted the program to continue until the end of the current school year. The public school choice provision also is allowed to continue indefinitely.

Because the decision was based solely on Puerto Rico's Constitution, the case will not be appealed to the United States Supreme Court. On the other hand, the ruling will not set a precedent for school choice programs in other states or jurisdictions. Governor Rosello and other supporters have promised to find a way to continue the program.

Position of Governor

Governor Pedro Rosello, an Independent, spearheaded Puerto Rico's school choice plan.

RHODE ISLAND

Current Situation

Rhode Island has no school choice programs.

Developments in 1994

Two bills were introduced in early 1994. Representative Mary Ross, a Republican and member of the Rhode Island Black Caucus, introduced legislation that would have established a pilot voucher program for the city of Providence. In the Senate, Democrat Edward Lawrence introduced a statewide school choice plan that would have allowed parents to choose any school, public or private, which agreed to participate.

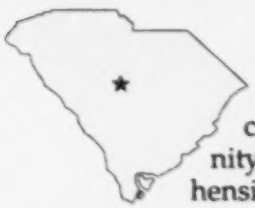
Both bills failed to pass.

Position of Governor

Newly elected Republican Lincoln Almond favors comprehensive school choice.

SOUTH CAROLINA

Current Situation



Business and grass-roots support for school choice in South Carolina continues to grow. The Save Our Schools Committee, a project of the South Carolina Policy Council which functions as a coalition of choice advocates composed of parents and community and business leaders, is working with legislators on a comprehensive bill that includes both public and private schools.

Developments in 1994

The South Carolina Policy Council set up an educational program for low-income students. South Carolina Opportunity Schools, sponsored by the Coors Foundation, held two-hour classes on Saturdays throughout 1994. Teachers were encouraged to write their own class proposals, which then were evaluated by the South Carolina Policy Council. Only students eligible for the federal free lunch program were allowed to participate. All students were provided with scholarships to attend the class of their choice, and teachers were paid according to the number of children in their classes.

The year-long Opportunity Schools program was enormously successful. Over 140 students participated, and hundreds applied. The response from teachers was also overwhelming. Approximately 280 applied for the 20 teaching positions. The program, now completed, will be continued by numerous churches which are setting up a private-sector program on the Policy Council's model.

In addition, State Superintendent of Education Barbara Neilson implemented a three-district intradistrict choice pilot project. Proposals were sent out to every school district, and the state selected the Greenville, Richland II, and Pickens County school districts to participate. Superintendent Neilson also has implemented a three-county pilot program on school bus privatization.

The new chairman of the House Education Committee is Democrat Ron Townsend. Republicans control the state House of Representatives, but Townsend was elected with the support of conservative Republicans because the Republican can-

didate, David Wright, opposed school choice and vouchers. Townsend, by contrast, supports school choice and possibly vouchers.

Representative Michael Jaskwhich, a Republican from Greenville, plans to introduce a bill giving low-income students a choice of public, private, and parochial schools in 1995. The Jaskwhich legislation is not fully drafted but probably will contain vouchers.

Position of Governor

Newly elected Republican David Beasley ran on the school choice issue and will support Representative Jaskwhich's school choice legislation.

SOUTH DAKOTA

Current Situation

South Dakota has no school choice programs.

Developments in 1994

An interim education subcommittee set up by the House Education Committee heard testimony on various school choice programs. A charter school initiative introduced by Republican Representative Roger Hunt received serious consideration from the committee.

Democratic Representatives William Cerny and Albert Kocer introduced HB 1242, which would have given $1,000 to each student in non-public schools whose parents' annual income did not exceed $20,000. The bill was referred by the House Education Committee to a joint House-Senate Committee for further study. Hearings were held with no specific recommendations made.

Republican Senator Lyndell Peterson introduced an act to allow for creation of autonomous school districts, and Republican Representative Harvey Kruautschum introduced a joint resolution to let citizens vote to give local governing bodies, such as school boards, greater legislative power. Both proposals would have enabled progressive school districts to start pilot school choice programs without affecting other school districts, effectively moving the school reform debate from the legislature to the local level. There was little support for either bill in the legislature.

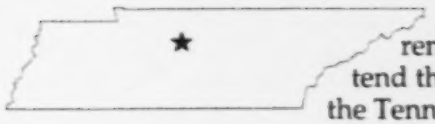
Position of Governor

Newly elected Governor William Janklow, a Republican, has no stated opinion on school choice

TENNESSEE

Current Situation

Tennessee allows students to attend public schools outside their district, but there are restrictions on this limited choice. For example, transferring students must obtain permission from the receiving district's school board, and a transfer



may not harm the state's desegregation efforts. Currently, about 22,000 students cross district lines to attend the school of their choice. This represents 3 percent of the Tennessee public school population.

Developments in 1994

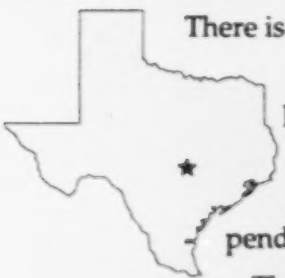
As in previous years, Republican Representative Ken Meyer from Chattanooga introduced education reform legislation. His proposals included statewide public school choice, post-secondary enrollment options, and scholarships for low-income students. None received enough legislative support to get out of the education committee.

Position of Governor

Newly elected Republican Don Sunquist supports charter schools but not private school choice.

TEXAS

Current Situation



There is no state-supported school choice in Texas.

In 1993, a pilot voucher program came within one vote of passing the legislature. The bipartisan bill, spearheaded by Republican Representative Kent Grusendorf and a coalition of mostly Hispanic legislators, would have allowed low-income parents to use up to 80 percent of their district's per-pupil expenditure to choose the public or private school of their choice.

The Texas school financing system has been embroiled in legal controversy since 1987 when it was declared unconstitutional by the state Supreme Court. In 1993, the legislature passed a new school finance law designed to comport with the court's ruling. In an unusual twist, the Texas Justice Foundation has filed a lawsuit on behalf of Guadelupe and Margie Gutierrez and their two children, Lupita and Vanessa. Asserting that the state's monopoly on public education funding will never produce a "suitable," "efficient" system with a "general diffusion of knowledge" as required by the Texas Constitution, the lawsuit requests that the plaintiffs' school district be ordered to contract with a private entity chosen by the family to educate their children. On October 4, 1993, Austin Judge F. Scott McCown ruled against the plaintiffs on the ground that the relief sought was a political question. The plaintiffs have appealed directly to the Texas Supreme Court.

In 1992, a group of Texas corporations founded the Children's Educational Opportunity (CEO) Foundation, which continues to give half-tuition scholarships to poor students in San Antonio. Corporate sponsors include USAA Federal Savings Bank, the San Antonio *Express-News*, the KCI Foundation, Valero Energy Corporation, the David Robinson Foundation, the Zachry Foundation, and Don King Productions. These firms have committed more than $1.5 million to CEO, which awards vouchers of up to $750 to 923 first-through-ninth graders in San Antonio.

The Texas Public Policy Foundation, a state think tank, administers the scholarship program. The Austin Children's Educational Opportunity Foundation provides similar scholarships of up to $1,000 to 69 children in the Austin area. Based on the Student/Sponsor Partnership of New York City, the Star Sponsor Program in Fort Worth awards tuition assistance to 23 low-income students in grades 2 through 8. Between 25 and 30 sponsors provide tuition assistance of $1,500 to students at three participating schools.

Developments in 1994

The Texas legislature did not meet in 1994. Representative Grusendorf already has filed a bill based on his 1993 bill, and it is expected that charter school legislation also will be introduced.

A number of new private voucher programs started in 1994. The Children's Education Fund enables 57 Dallas students to attend the school of their choice, the Houston CEO Foundation assists 100 students, and seven Midland students are able to attend the private school of their choice because of private vouchers.

Position of Governor

Newly elected Governor George W. Bush, a Republican, favors comprehensive school choice as well as charter schools. Bush has already endorsed Grusendorf's bill.

UTAH

Current Situation

Utah enacted a voluntary open enrollment program in 1991. Students in participating school districts were allowed to attend schools in other participating districts. Participation was costly, however, since only 50 percent of the state-allocated funds followed a student to his or her new district. The balance of the transferring student's educational costs was split between the sending and receiving school districts. Incentives were was so lacking that no district agreed to participate in the 1991-1992 school year.

This law was amended in 1992 to make open enrollment mandatory as of September 1993. The legislation also modified the funding system so that 100 percent of state education dollars will follow a transferring student to his or her new district. As a result, approximately 7,000 students used the open enrollment option in the 1992-1993 school year.

In the 1993 legislative session, three separate public, private, and parochial school voucher systems were proposed, but none made it through committee to the full House or Senate for a vote.

Developments in 1994

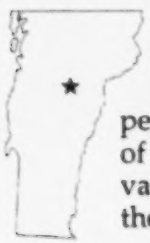
There were no significant choice developments in 1994.

Position of Governor

Mike Leavitt, a Republican, favors choice within the public school system but opposes the inclusion of private schools.

VERMONT

Current Situation



Since 1869, Vermont has had an educational choice system for students from towns which do not maintain their own public schools or belong to union school districts. The system is not controversial. Eighteen percent of the state's high school students — those who live in the 74 (out of 246) towns without public schools — may attend public or approved private "independent" secondary schools, in or out of the state, selected by their parents with the town school board paying the tuition.

Towns also permitted students to attend Vermont's three Catholic high schools until 1961, when the Vermont Supreme Court ruled that using tax dollars to pay tuition at a parochial school violated the state constitution.

The school board of a "tuition town" must pay the full tuition charged by a public school, but private schools receive only an amount equal to the average tuition charged by the state's union high school districts ($5,903 in the 1993-1994 school year). If the selected private school charges more than this, the school district may pay the larger amount but cannot be required to do so. The parents must cover any difference.

Twelve small Vermont towns do not offer grades one through six. Act 271, passed in 1990, permits their school boards to "tuition" pupils to non-residential independent "private" schools. Parents do not have the right to have tuition paid at the school of their choice, but it would be highly unusual for a school board to refuse a parent's request.

Developments in 1994

In 1994, the Vermont House passed an education finance bill that included a statewide property tax, a local income tax, and statewide collective bargaining for teachers. The Senate, however, passed a companion bill without these provisions. The Senate bill included regional sharing of tax bases, an educational performance plan, and waivers from state rules and regulations to allow for more local flexibility. Governor Howard Dean announced that he would veto the bill, which passed the Senate by a margin of 20 to 10. The House and Senate could not agree in conference committee, and neither version became law.

Republicans now control the Vermont Senate 18-12, and the powerful liberal Speaker of the House, Ralph Wright, was defeated for re-election.

Position of Governor

Howard Dean, a Democrat, opposes expanding school choice and hopes to increase state control of local education spending.

VIRGINIA

Current Situation

Virginia has no school choice programs.

Developments in 1994

Republican delegates Bob McDonald and Robert Marshall introduced legislation to create a joint legislative subcommittee to find ways to apply school choice in Virginia through scholarships, vouchers, or refundable tax credits. The subcommittee also would have been required to evaluate the impact of school choice on class size, curriculum, and desegregation plans. After rejecting it in 1992, the Rules Committee cleared the measure for a House vote in early 1994. The bill failed to win approval.

Local communities, however, may be considering school choice as an option. Fairfax County held hearings on parental choice in early December. In their legislative proposal sent to the state capitol, the Fairfax County School Board endorsed limited interdistrict public school choice.

In January 1994 newly elected Governor George Allen promised a "champion schools" initiative that would promote academic excellence, accountability, community control of schools, and parental involvement. The initiative, which the governor submitted to the legislature in January 1995, included charter schools but not private school choice.

Position of Governor

George Allen, a Republican, is a strong advocate of full school choice. However, thus far he has only proposed charter school legislation.

WASHINGTON

Current Situation

Intradistrict school choice was established for all Washington school districts in September 1991, although details governing same-district transfers vary from district to district.

Transfer between districts, however, is burdened by bureaucratic constraints. Parents wishing to send their child to a different school district, for example, first must seek the approval of administrators in their own district. Then they must prove to the bureaucrats that changing districts would result in a clear improvement of their child's educational, financial, health, or safety conditions. Transfer requests also can be granted if the non-district school is closer to a parent's place of work or child care facilities. Districts are not required to accept non-resident students, and those choosing to do so can charge out-of-district students a transfer fee.

Despite all of these bureaucratic and financial hurdles, 14,320 students were enrolled in schools outside their own district during the 1993-1994 school year.

Washington also offers post-secondary enrollment options, allowing 11th and 12th grade students to take courses for high school or college credit at community or technical colleges. These courses are free of charge. Students enrolled in a private school or in home schooling also may take advantage of this option.

Developments in 1994

In 1994, two charter school bills were introduced. Representative Wes Pruitt, a Democrat, introduced HB 2673, which passed the House Education Committee but died in the House Rules Committee. Republican Senator John Moyer introduced SB 6226, which failed to make it out of the Senate Education Committee.

Senate Bill 6438 enlarged the post-secondary enrollment options for Washington students by adding three four-year colleges to the program.

In addition, SB 6447 amended the interdistrict choice options for parents. The law now states that non-residents applications can be rejected if they place a "financial hardship" on a district.

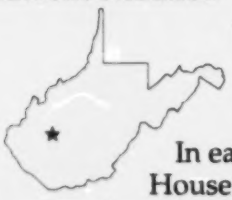
Republican Representative Jim Horn introduced a school choice bill, HB 2520, to make it easier for students to transfer out of violent public schools. Children in schools where there have been five or more violent crimes would be able to transfer with fewer bureaucratic hurdles. The bill did not make it out of the House Education Committee.

Position of Governor

Mike Lowry, a Democrat, has not yet taken a position on school choice.

WEST VIRGINIA

Current Situation



West Virginia has no school choice program.

Developments in 1994

In early 1994, Republican Delegate John Overington introduced House Bill 4160. This bill would have given a $1,000 tax credit for private schooling and a $500 tax credit for home schooling in West Virginia. It died in the House Education Committee.

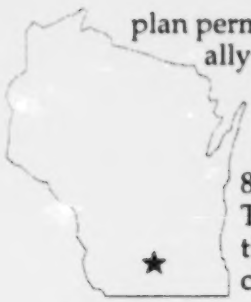
Position of Governor

Gaston Caperton III, a Democrat, has taken no position on school choice.

WISCONSIN

Current Situation

Milwaukee is the home of a nationally recognized voucher plan for low-income children. Spearheaded in 1990 by Representative Annette "Polly" Williams, a Democrat, and signed into law by Governor Tommy Thompson, a Republican, the



plan permits up to 1,000 low-income Milwaukee students to use an annually adjusted amount ($2,967 for the 1994-1995 school year) in state funds to attend a private, non-sectarian school of their choice. The Milwaukee program began operation during the fall of 1990 with 300 children using vouchers at 6 private schools. Currently, 832 students attend one of eleven participating private schools. The Milwaukee plan has been opposed bitterly by various educational establishment groups, including the state school board association and the Wisconsin Congress of Parents and Teachers, Inc.

The Milwaukee experiment also has been subjected to exhaustive court challenges by anti-school choice forces. Although the courts initially upheld the plan, the state Court of Appeals overturned the lower court decision in November 1990 on a technicality. The Wisconsin Supreme Court responded to the Appeals Court decision with a landmark ruling in March 1992 which declared the plan to be fully in line with the state constitution.

The first program evaluation report, conducted by John F. Witte, Professor of Political Science at the University of Wisconsin-Madison, shows high levels of parent and student satisfaction, increased parental involvement at participating schools, and improved discipline and attendance. While academic test scores rose slightly, the report states that "no firm conclusion" can be drawn from these results. The report nevertheless calls for continuation of the program. Virtually all the parents report that their children are improving academically, that their attitude toward school has improved, and that they plan to stick with the schools they have chosen.

Partners Advancing Values in Education (PAVE) was formed in the spring of 1992 to begin a "private" voucher program. Unlike the more restrictive state-sponsored Milwaukee program, PAVE allows students to use their scholarships at religious schools. PAVE currently gives half-tuition scholarships of up to $1,000 to 2,560 poor Milwaukee K through 8th grade students at 103 different schools. PAVE also awards half scholarships of up to $1,500 to 417 area high school students at 10 different schools. In addition, 758 elementary school students and 278 high school students are on the waiting list for PAVE scholarships. PAVE's effort is similar to the private voucher programs operating in Atlanta, Indianapolis, San Antonio, and other cities.

In his January 1993 State of the State address, Governor Tommy Thompson announced that charter schools would be included in his budget. While charter schools made it through the Senate, however, the House stripped them from its version of the budget. The budget then went to conference committee where a watered-down version of the charter school provision was included in the final budget package. The law sets a statewide limit of ten charter schools, with no more than two per district. These schools will be free from the state education code and district rules, but will remain under local school board authority. There are ongoing attempts to liberalize the charter school law. Currently, one charter school is operating as a "school within a school" in a local public high school. It serves "at-risk" students.

In September 1993, Landmark Legal Foundation, a conservative public interest legal group, filed a lawsuit to expand the successful Milwaukee Parental Choice Program. The suit, on behalf of low-income families in Wisconsin, asks a federal

court in Milwaukee to expand the Milwaukee program to include parochial schools. The lawsuit is being brought under the Civil Rights Act of 1964. Landmark's attorneys claim that prohibiting the use of vouchers at religious schools violates the plantiffs' constitutional right to the free exercise of religion and equal protection under the law. Representative Williams enthusiastically endorses the lawsuit. A decision is anticipated in 1995.

Developments in 1994

In early 1994 Milwaukee Mayor John Norquist, a Democrat, and Representative Williams called on state legislators to increase the number of Milwaukee students eligible for the current school choice program from 1,000 to 5,000. This would be done by letting the students attend not just private schools, but also parochial schools. A bipartisan group of state lawmakers, including Representative Robert Welch, introduced this proposal. Williams moved to include the changes as an amendment to the state budget, but this was defeated on a procedural ruling by the Assembly's leadership.

In an unusual move, Representative Williams, although a Democrat, was selected by the new Republican majority to head the Assembly's Urban Education Committee in 1995.

Position of Governor

Tommy Thompson, a Republican, strongly supports school choice, including private religious schools, and has proposed expansion of the Milwaukee school choice program.

WYOMING

Current Situation

Wyoming has no school choice program. But when an adjacent school district accepts a student from outside the resident school district, the state will reimburse the sending district for the cost.

Natrona County School District #1 allows 11th and 12th grade students to take courses for high school and/or college credit at nearby Casper College.

Developments in 1994

There was no significant school choice activity in 1994.

Position of Governor

Newly elected Governor Jim Geringer, a Republican, favors public school choice and has not yet taken a position on charter schools or private school vouchers.

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Arizona School Choice Trust

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ARKANSAS

CEO America (Clearinghouse)

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Free to Choose Charitable Trust

Blant Hurt, Director
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Southern California Children's Educational Opportunity Foundation (CEO)

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DISTRICT OF COLUMBIA

Capital Partners for Education

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Washington Scholarship Fund

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FLORIDA

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ILLINOIS

Daniel Murphy Scholarship Foundation

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The Big Shoulders Fund

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PRIVATE MANAGEMENT OF PUBLIC SCHOOLS

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